

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
54-36 (COR)	v. Anthony Ada	AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 19, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO LIABILITY PROTECTION FOR PUBLIC AND PRIVATE EMPLOYERS DURING A STATE OF PUBLIC HEALTH EMERGENCY	2/2/21 4:12 p.m.						

*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
**2021 (FIRST) Regular Session**

Bill No. **54-36 (COR)**

Introduced by:

V. Anthony Ada 

**AN ACT TO *ADD* A NEW ARTICLE 9 TO CHAPTER 19,  
TITLE 10 GUAM CODE ANNOTATED RELATIVE TO  
LIABILITY PROTECTION FOR PUBLIC AND PRIVATE  
EMPLOYERS DURING A STATE OF PUBLIC HEALTH  
EMERGENCY.**

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

2 **Section 1. Legislative Findings and Intent**

3 The liability protection for employers in a declared State of Public Health emergency  
4 allows a person (broadly defined to include a natural person, business, association,  
5 or governmental entity, or any of their employees or agents) to operate during a  
6 declared public health emergency and beyond without the threat of civil liability or  
7 professional disciplinary action if the person complied with or made a good faith  
8 effort to comply with applicable federal or local regulations, executive orders, or  
9 guidance or complied with applicable federal or local statutes enacted or issued in  
10 response to a public health emergency. Where competing but inconsistent statutes,  
11 regulations, executive orders or guides apply to a person's activity, liability can be  
12 avoided through compliance with or a good faith effort to comply with any  
13 applicable federal or local regulations, executive orders, or guidance or through  
14 compliance with any applicable federal or local statutes passed or issued in response  
15 to the disaster or public emergency. Civil liability and professional disciplinary  
16 action for any action or inaction as a result of, in response to, or arising out of a  
17 public health emergency declared at the federal or local level should be limited to

1 reckless or willful misconduct in the absence of statutes, regulations, executive  
2 orders, or guidance passed or issued in response to the public health emergency and  
3 applicable to the activity at issue.

4

5 **Section 2.** A new Article 9 is *added* to Chapter 19, Title 10 Guam Code  
6 Annotated:

7

**“ARTICLE 9**

8 **LIABILITY PROTECTION FOR EMPLOYERS IN A DECLARED STATE**  
9 **OF PUBLIC HEALTH EMERGENCY ACT**

10 **§ 19901. Definitions.**

11 As used in this act, the following words shall have the following meaning:

12 (a) “Guidance” means written guidance related to a declared public emergency that  
13 is issued by a federal or local government authority including, but not limited to, the  
14 United States Health and Human Services including the Centers for Disease Control  
15 and Prevention or Food and Drug Administration, the United States Department of  
16 Agriculture, the United States Department of Labor including the Occupational  
17 Safety & Health Administration, U.S. Equal Employment Opportunity Commission,  
18 the United States Department of Defense, United States Department of Homeland  
19 Security including the Federal Emergency Management Agency, United States  
20 Environmental Protection Agency, United States Department of Education, United  
21 States Department of Treasury, United States Department of Commerce, or any  
22 Government of Guam department, agency, board, or commission.

23 (b) “Person” means (1) any natural person, partnership, corporation, limited liability  
24 company, company, trust, estate, for-profit or nonprofit association, or any other

1 business entity; (2) a department, agency, autonomous agency, instrumentality or  
2 public corporation, including the Guam Visitors Bureau; of the Government of  
3 Guam or (3) any agent, representative, or employee of any of the above.

4 **§ 19902. Immunity from Civil Liability.**

5 (a) Every person shall be immune from civil liability and professional disciplinary  
6 action for any action or inaction as a result of, in response to, or arising out of a  
7 disaster or emergency declared at the federal or local level if the person complied  
8 with or made a good faith effort to comply with federal, or local regulations,  
9 executive orders, or guidance or complied with federal or local statutes passed or  
10 issued in response to the disaster or public emergency and applicable to the activity  
11 at issue.

12 (b) If two or more statutes, regulations, executive orders, or guidance apply to a  
13 person's conduct, subsection (a) may be satisfied through compliance with or a good  
14 faith effort to comply with any applicable federal or local regulations, executive  
15 orders, or guidance or compliance with any applicable federal or local statutes  
16 passed or issued in response to the disaster or public emergency.

17 (c) Civil liability and professional disciplinary action for any action or inaction as a  
18 result of, in response to, or arising out of a disaster or emergency declared at the  
19 federal or local level shall be limited to recklessness or willful misconduct in the  
20 absence of laws, regulations, executive orders, or guidance enacted or issued in  
21 response to the disaster or public emergency and applicable to the activity at issue.

22 (d) No laws, regulations, executive orders, or guidance enacted or issued in response  
23 to a disaster or emergency declared at the federal or local level shall be construed to  
24 create a private right of action.

25 **§ 19903. Effective Date of Enforcement Actions**

1 (a) This act shall apply to any civil action or professional disciplinary action that is  
2 filed on or after the effective date of the act.

3 (b) It being immediately necessary for the preservation of the public peace, health  
4 or safety, an emergency is hereby declared to exist, by reason whereof this act shall  
5 take effect and be in full force from and after its enactment.”

**From:** [Senator V. Anthony Ada](#)  
**To:** [clerks@guamlegislature.org](mailto:clerks@guamlegislature.org)  
**Subject:** Bill for Introduction-Limited Liability for Employers  
**Date:** Tuesday, February 2, 2021 4:12:59 PM  
**Attachments:** [Liability protection for employers.docx](#)  
[Liability protection.pdf](#)

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Hafa Adai! Attached is Senator Tony Ada's bill on limited liability for employers for introduction. Thanks.

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## Office of Senator V. Anthony Ada

36th Guam Legislature

*I Mina'trentai Sais Na Liheslaturan Guáhan*

204 Hesler Place, Ada Plaza Center, Suite 202 & Suite 203

Hagatna, Guam 96910

**Phone:** (671) 969-3555

**Email:** [senatorvanthonyada@gmail.com](mailto:senatorvanthonyada@gmail.com)

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