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
181-36 (LS)	Frank Blas Jr. James C. Moylan Christopher M. Dueñas V. Anthony Ada	AN ACT TO ADD A NEW ARTICLE 8 CHAPTER 3, DIVISION 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING POLICY AND PROVISIONS TO ENSURE INFORMED CONSENT AND TO PROHIBIT EMPLOYERS FROM DISCRIMINATING AGAINST AN INDIVIDUAL BECAUSE THE INDIVIDUAL HAS NOT RECEIVED OR DECLINES TO RECEIVE CERTAIN VACCINATIONS; TO PROHIBIT RETALIATION; AND TO PROVIDE REMEDIES.	8/23/21 3:08 p.m.						

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

Bill No. 181-36 (LS)

Introduced by: Frank F. Blas Jr.
James C. Moylan
Christopher C. Duenas
V. Anthony Ada

AN ACT TO *ADD* A NEW ARTICLE 8 CHAPTER 3, DIVISION 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING POLICY AND PROVISIONS TO ENSURE INFORMED CONSENT AND TO PROHIBIT EMPLOYERS FROM DISCRIMINATING AGAINST AN INDIVIDUAL BECAUSE THE INDIVIDUAL HAS NOT RECEIVED OR DECLINES TO RECEIVE CERTAIN VACCINATIONS; TO PROHIBIT RETALIATION; AND TO PROVIDE REMEDIES

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act shall be known and may be cited as the "**Informed Consent in the Workplace Act**."

Section 2. A new Article 8 is hereby added to Chapter 3, Division 1, Title 22, Guam Code Annotated, to read as follow

"ARTICLE 8

Informed Consent in the Workplace

§ 3801. Title.

§ 3802. Definitions.

§ 3803. Prohibition.

§ 3804. Informed Consent

§ 3805. Judicial Remedies

§ 3806. Establishing Safety Policies

§ 3801. Title.

This Article *shall* be known, and *may* be cited, as the "Informed Consent in the Workplace Act."

§ 3802. Definitions.

For purposes of this Article, the following terms *shall* have the following meanings:

a) "Employer" means a person that allows 1 or more qualified individuals to work for the employer, accepts applications for employment, or is an agent of an employer.

(b) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.

(c) "Qualified individual" means an individual who performs services, with or without compensation, for an employer.

(d) "Specified vaccination" means any of the following:

(i) An influenza vaccination.

(ii) A Tdap vaccination.

(iii) A COVID-19 vaccination.

(e) "Tdap" means tetanus, diphtheria, and pertussis.

§ 3803. Prohibitions.

It shall be unlawful for any employer to:

(a) Discharge, fail or refuse to hire or recruit, or otherwise discriminate against a qualified individual with respect to employment, compensation, or a term, condition, or privilege of employment, or threaten to do any of these things, because the

individual has not received or declines to receive, for any reason, a specified vaccination.

(b) Require a qualified individual who has not received or declines to receive a specified vaccination to do either of the following:

(i) display on the qualified individual's person a mark that distinguishes the qualified individual from qualified individuals who have received or not declined to receive a specified vaccination.

(ii) to wear additional PPE (personal protective equipment) as a consequence of not receiving or declining to receive specified vaccination, which is not required of other employees.

(c) Disclose to the public that the qualified individual has not received or declines to receive a specified vaccination.

(d) Retaliate or discriminate against a person because the person has done or is about to do any of the following:

(i) File a complaint under this Act.

(ii) Testify, assist, or participate in an investigation, proceeding, or action concerning a violation of this Act.

(iii) Oppose a violation of this act.

§ 3804. Informed Consent

(a) An employer that requires a specified vaccination to its qualified individuals must inform its qualified individuals, in writing, of their rights under this Act. A qualified individual may decline a specified vaccination offered by his or her employer by providing his or her employer with a written statement. A qualified individual is not required to state, in his or her written statement or otherwise, the reason he or she declines to receive the specified vaccination. An employer shall not inquire about the reason a qualified individual declines to receive a specified vaccination.

(b) An employer shall not require an applicant or qualified individual to waive any right under this Act. An agreement by an applicant or qualified individual to waive any right under this Act is invalid and unenforceable.

§ 3805. Judicial Remedies

A person who is aggrieved by a violation of this Act may bring a civil suit in a court of competent jurisdiction to obtain injunctive relief and damages. A court shall award costs and reasonable attorney fees and may award treble damages to a person who prevails as a plaintiff in a suit authorized under this Act.

§ 3806. Establishing Safety Policies

Notwithstanding any other provisions of the law, rule, or regulation to the contrary, when the Governor of Guam declares an emergency, pursuant to Chapter 19, of Title 10, Guam Code Annotated, a business shall establish safety policies for their employees and patrons.

Section 3. Effective Date. The Act shall be effective immediately upon enactment.