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
248-36 (COR) As amended by the Committee on Health, Land, Justice, and Culture.	Therese M. Terlaje	AN ACT TO *AMEND* § 81109, RENUMBER § 81112 AS § 81113, AND *ADD* A NEW § 81112 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §20113 TO CHAPTER 20 OF DIVISION 3, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS (ATTACHED AS EXHIBIT A), RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND."	2/2/22 4:06 p.m.	2/8/22	Committee on Health, Land, Justice, and Culture	6/10/22 10:00 a.m.	10/10/22 10:09 a.m. As Amended by the Committee on Health, Land, Justice, and Culture	Request: 2/8/22 2/17/22	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
10/21/22	AN ACT TO *AMEND* § 81109, RENUMBER § 81112 AS § 81113, AND *ADD* A NEW § 81112 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §20113 TO CHAPTER 20 OF DIVISION 3, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS (ATTACHED AS EXHIBIT A), RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND."	10/28/22	10/28/22	11/9/22	36-116	11/9/22	Received: 11/10/22 Mess and Comm. Doc. No. 36GL-22-2793

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

Doc Type: 36GL-22-2793
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
-11- 09 2022
Time: 4:19pm
Received:

November 9, 2022

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **BILL NO. 248-36 (COR) -AN ACT TO *AMEND* § 81109, RENUMBER § 81112 AS § 81113, AND *ADD* A NEW § 81112 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 20113 TO CHAPTER 20 OF DIVISION 3, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS (ATTACHED AS EXHIBIT A), RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND"**

Hafa Adai Madame Speaker,

As noted in the testimony of the members of the Commission on Post Mortem Examinations on Bill No. 248-36, there has been a critical need to identify additional funding for the Office of the Chief Medical Examiner ("OCME"). Additional funding is needed to provide additional staff and resources to the OCME. The Commission believes the authority to establish fees for the services provided by the OCME will allow the OCME to generate up to one hundred thousand dollars ($100,000) annually with the money collected from the newly created fees being placed in the Office of Post-Mortem Examination Operations Revolving Fund. The fund will establish a secure funding source for the OCME which will allow the OCME to provide better service to the people of Guam. For these reasons, I am signing Bill No. 248-36 into law as ***Public Law No. 36-116***.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

RECEIVED
NOV 10 2022
8:00AM.
COMMITTEE ON RULES

Enclosure: Bill No. 248-36 (COR) *nka P.L. No. 36-116*

cc via email: *Honorable* Lourdes A. Leon Guerrero, *Governor of Guam*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 248-36 (COR), "AN ACT TO *AMEND* § 81109, RENUMBER § 81112 AS § 81113, AND *ADD* A NEW § 81112 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §20113 TO CHAPTER 20 OF DIVISION 3, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS (ATTACHED AS EXHIBIT A), RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND,"** was on the 28th day of October 2022, duly and regularly passed.

Therese M. Terlaje
Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of Oct, 2022, at 6:19 o'clock P.M.

Assistant Staff Officer.
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/9/2022

Public Law No. 36-116

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 248-36 (COR)
As amended by the Committee on Health, Land, Justice, and Culture.

Introduced by: Therese M. Terlaje
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 81109, RENUMBER § 81112 AS § 81113, AND *ADD* A NEW § 81112 OF CHAPTER 81, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW §20113 TO CHAPTER 20 OF DIVISION 3, TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS (ATTACHED AS EXHIBIT A), RELATIVE TO AUTHORIZING THE COMMISSION ON POST-MORTEM EXAMINATIONS TO CREATE A FEE SCHEDULE FOR SERVICES, AND ESTABLISHING THE "OFFICE OF POST-MORTEM EXAMINATIONS OPERATIONS REVOLVING FUND."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Commission on Post-Mortem Examinations (Commission) needs statutory

authorization to impose fees for services provided by the Office of Post-Mortem Examinations (OPME), also referred to as the Office of the Chief Medical Examiner (OCME), and the fees charged would generate funding to cover a portion of the operational expenses of the OPME/OCME.

It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the Commission to create a fee schedule for services in accordance with the Administrative Adjudication Law.

I Liheslaturan Guåhan further intends to create the Office of Post-Mortem Examinations Operations Revolving Fund (Fund) and to direct that the fees received be deposited into this Fund, which is to be maintained separate and apart from other government funds.

Section 2. § 81109 of Chapter 81, Title 10, Guam Code Annotated, is *amended* to read:

"**§ 81109. Fees, Rules, and Regulations.**

Subject to the Administrative Adjudication Law, the Commission may promulgate fees, rules, and regulations necessary or appropriate to effectively carry out the provisions of this Chapter."

Section 3. The existing § 81112 of Chapter 81, Title 10, Guam Code Annotated, titled "Severability," is hereby renumbered as § 81113.

Section 4. Authorization to Impose Fees. A new § 81112 is hereby *added* to Chapter 81 of Title 10, Guam Code Annotated, to read:

"**§ 81112. Fees; Fund; Annual Audit.**

(a) Fees. The Commission is authorized to impose fees reasonably necessary for the Office of Post-Mortem Examinations to carry out its duties and responsibilities as required or authorized by this Chapter, or rules and regulations adopted under this Chapter. The Commission is further authorized to amend any adopted fees through the Administrative Adjudication Law -

Rule Making Procedures of Article 3, Chapter 9, Title 5, Guam Code Annotated. Fees shall be paid to the Treasurer of Guam.

(b) Fund. There is hereby established a special fund known as the Office of Post-Mortem Examinations Operations Revolving Fund (Fund), specifically for use by the Office of Post-Mortem Examinations for its operations. The Fund shall be maintained separate and apart from other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. All fees paid to the Treasurer of Guam for services provided by the Office of Post-Mortem Examinations shall be deposited into the Fund. Monies in the Fund shall be appropriated continuously and shall not be subject to any transfer authority of *I Maga'hågan Guåhan.*

(c) Annual Audit. The Office of Public Accountability, or its equivalent, shall audit the Fund annually with reports to be submitted to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan.*"

Section 5. Approval of Amendment to the Commission on Post-Mortem Examination's Rules and Regulations. The amendments to Chapter 20 of Division 3, Title 26, Guam Administrative Rules and Regulations, relative to the services for which fees may be imposed and collected, are attached as Exhibit "A" and are hereby approved.

Section 6. Effective Date. This Act shall be effective upon enactment.

EXHIBIT "A"

Amendments to Chapter 20, Division 3, Title 26, Guam Administrative Rules and Regulations, Relative to Chargeable Services of the Office of Post-Mortem Examinations

A new §20113 is hereby *added* to Chapter 20, Division 3, Title 26, Guam Administrative Rules and Regulations, to read:

"**§20113. Fees for Services Provided by the Office of Post-Mortem Examinations.** Fees for services provided by the Office of Post-Mortem Examinations, also referred to as the Office of Chief Medical Examiner (OCME), shall be charged pursuant to an established fee schedule which may be amended from time to time as provided by the Administrative Adjudication Law.

(a) Body Storage: storage of human remains within a refrigeration unit monitored and maintained by the OCME, the morgue attendant, and the Guam Memorial Hospital Authority Facility Maintenance Section.

(1) Charges will begin after twenty-four (24) hours notification of release either to the legal next of kin or the assigned funeral home.

(2) All accrued charges must be paid in full before release of human remains.

(b) Morgue Processing: processing of human remains and all belongings for intake and/release from the OCME facility, as well as maintenance of the refrigeration unit.

(1) Fee is a one (1)-time flat rate charge.

(2) Fees must be paid in full before release of human remains and any personal belongings not considered evidence.

(c) Human Body Transport: transportation of human remains from the location of death directly to the OCME morgue.

(1) Transportation of human remains is presently managed by the Guam Fire Department.

(2) At such time as the OCME becomes equipped and staffed, transportation of human remains shall be charged at a flat rate fee per case.

(d) Issuance of Post-Mortem Examination Reports and Other Related Examination Reports.

(1) The first copy of an autopsy or non-autopsy report, including any toxicology and/or histology reports, is free of charge to the legal next of kin, the investigating law enforcement department, the Office of Attorney General, and the government defense agencies (i.e., the Public Defender Service Corporation).

(2) Additional copies of an autopsy report, including all other relevant reports, shall be provided at a fixed rate per copy.

(3) Additional copies of a non-autopsy report, including all other relevant reports, shall be provided at a fixed rate per copy.

(4) Electronic files (e.g., compact discs, USB flash drives, etc.) containing an autopsy or non-autopsy report, including all other relevant reports, shall be provided at a fixed rate per device.

(5) Off-island requests for autopsy or non-autopsy reports must be accompanied by a post-paid self-addressed envelope or a written authorization to transmit records by facsimile or electronically.

(6) All post-mortem examination reports must be completed prior to release. No preliminary reports and/or incomplete reports shall be released.

(e) Issuance of Verifications, Certifications, and Other Documents Related to a Deceased Person.

(1) Verification of deaths, certifications of non-communicable disease, and/or physician's certification requested by, and issued to, the legal next of kin or appointed person shall be provided at a fixed rate per original document.

(2) Additional copies of such documents shall be charged a fixed rate per original document.

(f) Utilization of Photocopier Machine Within OCME. In-house usage of a photocopy machine to copy and print additional sheets of a document shall be charged per page copied or printed."