

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
89-38 (COR)	Sabina Flores Perez V. Anthony Ada Shelly V. Calvo Chris Barnett Therese M. Terlaje	AN ACT TO <i>ADD</i> A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.	3/10/25 2:11 p.m.	3/19/25	Committee on Health and Veterans Affairs.	Request: 3/19/25 3/25/25	4/17/25 2:00 p.m.	5/14/25	



Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

May 9, 2025

Honorable Frank Blas Jr., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
163 W. Chalan Santo Papa
Hagåtña, Guåhan 96910

VIA: **The Honorable V. Anthony Ada, Vice Speaker** 
Chairperson, Committee on Rules

RE: **Committee Report on the Public Hearing relative to Bill No. 89-38 (COR).**

Håfa Adai Speaker Blas,

Transmitted herewith is the Committee Report relative to **Bill No. 89-38 (COR)** - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Committee votes are as follows:

4 TO DO PASS
 TO NOT PASS
4 TO REPORT OUT ONLY
 TO ABSTAIN
 TO PLACE IN INACTIVE FILE

Sincerely,



Senator Sabrina Salas Matanane
Chairwoman, Committee on Health and Veterans Affairs



COMMITTEE ON RULES

RECEIVED:

May 9, 2025 7:22 p.m.

Marie Crisostomo

Revisions Recieved:

May 14, 2025 11:22 a.m.



Office of Legislative Secretary

SENATOR SABRINA SALAS MATANANE

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs

COMMITTEE REPORT

Public Hearing

Bill No. 89-38 (COR)

AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.



Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

May 7, 2025

MEMORANDUM

To: All Members
Committee on Health and Veterans Affairs

From: Senator Sabrina Salas Matanane *Smat*
Committee Chairperson

Subject: Committee Report on the Public Hearing relative to Bill No. 89-38 (COR).

Håfa Adai Committee Members,

Transmitted herewith for your consideration is the Committee Report relative to Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

The report contains the following:

- COR Referral Memorandum
- Notice of Hearing
- Hearing Agenda
- Hearing Sign-in Sheet
- Submitted Testimonies and Supporting Documents
- Committee Report Vote Sheet
- Committee Report Digest
- Copy of Bill No. 89-38 (COR)
- Fiscal Note

Please take appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact the Office of Senator Sabrina Salas Matanane.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guahan
38th Guam Legislature

March 19, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 89-38 (COR)**

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 89-38 (COR)** Sabina Flores Perez, V. Anthony Ada, Shelly V. Calvo, Chris Barnett, Therese M. Terlaje. – “AN ACT TO *ADD* A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.”

Please ensure that the subject bill is referred to the Committee on Health and Veterans Affairs chaired by Senator Sabrina Salas Matanane. I also request that the same be copied to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

April 10, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Sabrina Salas Matanane *Smat*
Chairperson, Committee on Health and Veterans Affairs

Subject: First Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M.

Håfa Adai! The Committee on Health and Veterans Affairs will conduct a Public Hearing on Thursday, April 17, 2025, beginning at 2:00 P.M., in the Public Hearing Room of the Guam Congress Building.

The Committee will hear and accept testimony on the following:

2:00 P.M.

- I. **Doc. No. 38GL-25-0329**: The appointment of **Krista L. Blankenship** to serve a Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.
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How to Participate: Written testimony may be delivered to the Office of Senator Sabrina Salas Matanane at the Guam Congress Building, 163 *Chalan Santo Papa Hagåtña*, Guam 96910 or via email to Office.SenatorBri@guamlegislature.gov. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing.

Please confirm your attendance by contacting the Office of Senator Sabrina Salas Matanane via email at Office.SenatorBri@guamlegislature.gov or via voice call at (671) 989-2572.

Special Accommodations: In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodations should contact Genese Morrison, at the Office of Senator Sabrina Salas Matanane.

Watch Live/Record: The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.



Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

First Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M

2 messages

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> Thu, Apr 10, 2025 at 9:00 AM
 To: phnotice@guamlegislature.gov, Ed Pocaigue <sgtarms@guamlegislature.gov>, mis@guamlegislature.gov, committeeonrules@guamlegislature.gov, av@guamlegislature.gov
 Cc: genese.morrison@guamlegislature.gov, isaiah.aguon@guamlegislature.gov, senator.sabrina@guamlegislature.gov

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Respectfully,

Sabrina Salas Matanane

Senator, 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs



Office of Legislative Secretary

SENATOR SABRINA SALAS MATANANE

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs

163 W. Chalan Santo Papa, Hagåtña, Guam 96910

office.senatorbri@guamlegislature.gov

671-989-2572

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Ed Pocaigue <sgtarms@guamlegislature.gov>

Thu, Apr 10, 2025 at 9:09 AM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Hafa Adai,

Posted on calendar.

[Quoted text hidden]

--



Edward S. Pocaigue, Jr.

Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 1st Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

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Thursday, April 17, 2025, AT 2:00 P.M. | GUAM CONGRESS BUILDING

The Committee will hear and receive testimony on the following:

- **Doc. No. 38GL-25-0329** - Appointment of Krista Blankenship to be a Member (Medical Community - Representative) of the Board of Trustees Guam Memorial Hospital Authority, for a term of Six (6) Years; From Date of Confirmation.
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I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
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First Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M

 PRINT

**First Notice of Public Hearing: Thursday, April
17, 2025, 2:00 P.M**

PUBLIC HEARING



 **Posted on:** 04/10/2025 09:22 AM

 **Posted by:** Genese Morrison

 **Public Hearing Date:** 04/17/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR SABRINA SALAS MATANANE (/notices?
division_id=295)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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(https://guamlegislature.gov/38th_Guam_Legislature/Mess_Coms_38th/Doc.%20No.%2038GL-25-0329.pdf): The appointment of **Krista L. Blankenship** to serve a Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.

II. Bill No. 89-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2089-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2089-38%20(COR).pdf)) – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

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([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2095-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2095-38%20(COR).pdf)) – Tina Rose Muna Barnes - AN ACT TO AMEND § 25101(a) OF CHAPTER 25, TITLE 10, GUAM CODE ANNOTATED AND § 2402(c) OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2402.1 TO CHAPTER 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHILDCARE FACILITIES TO OPERATE AS INTERGENERATIONAL DAYCARE CENTERS.

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OFFICE OF SENATOR SABRINA SALAS MATANANE
38TH GUAM LEGISLATURE
GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGATNA, GUAM 96910

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Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

April 15, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Sabrina Salas Matanane *Smatt*
Chairperson, Committee on Health and Veterans Affairs

Subject: Second Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M.

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Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Second Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M.

2 messages

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> Tue, Apr 15, 2025 at 9:00 AM
 To: phnotice@guamlegislature.gov, Ed Pocaigue <sgtarms@guamlegislature.gov>, committeeonrules@guamlegislature.gov, mis@guamlegislature.gov, av@guamlegislature.gov
 Cc: genese.morrison@guamlegislature.gov, isaiah.aguon@guamlegislature.gov, senator.sabrina@guamlegislature.gov

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Respectfully,

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Senator, 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs



Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
 Chairperson, Committee on Health and Veterans Affairs
 163 W. Chalan Santo Papa, Hagåtña, Guam 96910
 office.senatorbri@guamlegislature.gov
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Ed Pocaigue <sgtarms@guamlegislature.gov>

Tue, Apr 15, 2025 at 9:43 AM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Hafa Adai,

Second notice posted.

[Quoted text hidden]

--



Edward S. Pocaigue, Jr.
 Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
 Guam Congress Building, 1st Floor
 163 Chalan Santo Papa
 Hagåtña, Guam 96910

1-671-969-3514
sgtarms@guamlegislature.gov

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Watch Live/Record: The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and streamed online via I Liheslaturan Guåhan's live feed on YouTube.

Second Notice of Public Hearing: Thursday, April 17, 2025, 2:00 P.M.

 PRINT

**Second Notice of Public Hearing: Thursday,
April 17, 2025, 2:00 P.M.**

PUBLIC HEARING



 **Posted on:** 04/15/2025 09:33 AM

 **Posted by:** Genese Morrison

 **Public Hearing Date:** 04/17/2025 02:00 PM

 **Department(s):**
GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):**
OFFICE OF SENATOR SABRINA SALAS MATANANE (/notices?
division_id=295)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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The Committee on Health and Veterans Affairs will conduct a Public Hearing on Thursday, April 17, 2025, beginning at 2:00 P.M., in the Public Hearing Room of the Guam Congress Building.

The Committee will hear and accept testimony on the following:

2:00 P.M.

I. Doc. No. 38GL-25-0329

(https://guamlegislature.gov/38th_Guam_Legislature/Mess_Comms_38th/Doc.%20No.%2038GL-25-0329.pdf): The appointment of **Krista L. Blankenship** to serve as Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.

II. Bill No. 89-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2089-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2089-38%20(COR).pdf)) – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

III. Bill No. 95-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2095-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2095-38%20(COR).pdf)) – Tina Rose Muna Barnes - AN ACT TO AMEND § 25101(a) OF CHAPTER 25, TITLE 10, GUAM CODE ANNOTATED AND § 2402(c) OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2402.1 TO CHAPTER 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHILDCARE FACILITIES TO OPERATE AS INTERGENERATIONAL DAYCARE CENTERS.

How to Participate: Written testimony may be delivered to the Office of Senator Sabrina Salas Matanane at the Guam Congress Building, 163 *Chalan Santo Papa Hagåtña*, Guam 96910 or via email to Office.SenatorBri@guamlegislature.gov. The Committee requests that testimonies be submitted at least forty-eight (48) hours prior to the scheduled hearing.

Please confirm your attendance by contacting the Office of Senator Sabrina Salas Matanane via email at Office.SenatorBri@guamlegislature.gov or via voice call at (671) 989-2572.

Special Accommodations: In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or

accommodations should contact Genese Morrison, at the Office of Senator Sabrina Salas Matanane.

Watch Live/Record: The hearing will be broadcast on local television, GTA Channel 21, Docomo Channel 117, and streamed online via *I Liheslaturan Guåhan's* live feed on YouTube. After the hearing, a hearing recording will also be available online via Guam Legislature Media on YouTube.

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38TH GUAM LEGISLATURE
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Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

April 10, 2025

TRANSMITTED VIA EMAIL:

Director Theresa Arriola

Department of Public Health and Social Services
theresa.c.arriola@dphss.guam.gov

COO Aja Ramos

WestCare Pacific Islands
aja.ramos@westcare.com

Executive Director Diana P. Calvo

Catholic Social Services
info@cssguam.org

Subject: Invitation to Public Hearing on Thursday, April 17, 2025, at 2:00 P.M.

Håfa Adai,

The Committee on Health and Veterans Affairs has scheduled a Public Hearing on Thursday, April 17, 2025, beginning at 2:00 P.M., in the Public Hearing Room of the Guam Congress Building. Your attendance is requested to provide insights on the following agenda item:

- **Bill No. 89-38 (COR)** – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

The Committee requests that all written testimony and presentations be submitted forty-eight (48) hours prior to the hearing. Additionally, you are welcome to invite other officials who may be able to contribute to the discussion.

If your office requires any assistance or accommodation that can be provided by my office or the 38th Guam Legislature, please contact my office via email or voice call.

Should you have any questions or concerns, you may contact my office at 671-989-2572 or email office.senatorbri@guamlegislature.gov.

Thank you,

Senator Sabrina Salas Matanane
38th Guam Legislature

cc: Senator Sabina Flores Perez <office.senatorperez@guamlegislature.gov>



Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Invitation to Public Hearing on Thursday, April 17, 2025, at 2:00 P.M.

2 messages

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> Thu, Apr 10, 2025 at 10:00 AM
To: "Theresa C. Arriola" <theresa.c.arriola@dphss.guam.gov>, info@cssguam.org, aja.ramos@westcare.com
Cc: Office Senator Perez <office.senatorperez@guamlegislature.gov>

Håfa Adai,

The Committee on Health and Veterans Affairs has scheduled a Public Hearing on Thursday, April 17, 2025, beginning at 2:00 P.M., in the Public Hearing Room of the Guam Congress Building. Your attendance is requested to provide insights on the following agenda item:

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The Committee requests that all written testimony and presentations be submitted forty-eight (48) hours prior to the hearing. Additionally, you are welcome to invite other officials who may be able to contribute to the discussion.

If your office requires any assistance or accommodation that can be provided by my office or the 38th Guam Legislature, please contact my office via email or voice call.

Should you have any questions or concerns, you may contact my office at 671-989-2572 or email office.senatorbri@guamlegislature.gov.

--

Respectfully,

Sabrina Salas Matanane

Senator, 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs



Office of Legislative Secretary
SENATOR SABBINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs
163 W. Chalan Santo Papa, Hagåtña, Guam 96910
• office.senatorbri@guamlegislature.gov
• 671-989-2572

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PH 2025.04.17 Bill No. 89-38 (COR) Invitation.pdf
501K

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> Thu, Apr 10, 2025 at 10:16 AM
To: lawrel.lizama@dphss.guam.gov, yolanda.elliott@dphss.guam.gov, amanda.shelton@dphss.guam.gov

[Quoted text hidden]



PH 2025.04.17 Bill No. 89-38 (COR) Invitation.pdf
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Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

Public Hearing

April 17, 2025

Public Hearing Room, Guam Congress Building

Agenda

- I. **Doc. No. 38GL-25-0329:** The appointment of **Krista L. Blankenship** to serve a Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.
- II. **Bill No. 89-38 (COR)** – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.
- III. **Bill No. 95-38 (COR)** – Tina Rose Muna Barnes - AN ACT TO AMEND § 25101(a) OF CHAPTER 25, TITLE 10, GUAM CODE ANNOTATED AND § 2402(c) OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2402.1 TO CHAPTER 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHILDCARE FACILITIES TO OPERATE AS INTERGENERATIONAL DAYCARE CENTERS.

The Oversight Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117 and stream online via *I Liheslaturan Guåhan's* live feed.



The Office of the Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
 Chairwoman, Committee on Health and Veterans Affairs

PUBLIC HEARING

Thursday, April 17, 2025, 2:00 P.M

Public Hearing Room, Guam Congress Building

- I. Doc. No. 38GL-25-0329: The appointment of Krista L. Blankenship to serve as a Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.
- II. Bill No. 89-38 (COR) – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.
- III. Bill No. 95-38 (COR) – Tina Rose Muna Barnes - AN ACT TO AMEND § 25101(a) OF CHAPTER 25, TITLE 10, GUAM CODE ANNOTATED AND § 2402(e) OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2402.1 TO CHAPTER 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHILDCARE FACILITIES TO OPERATE AS INTERGENERATIONAL DAYCARE CENTERS.

Check all that apply. Please provide staff with written testimony for photocopying.

Name	Agency/Organization	Contact Information	Bill No.	Participation	Stance
Krista Blankenship	Guam Pharmacy Assoc. GMHA Board		☒ 38GL-25-0329 ☐ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Maelonie Tamundong	The Giving Tree Intergenerational Daycare		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Aisteabesh Maglaque	DPHSS - DEH		☐ 38GL-25-0329 ☒ 89-38 (COR) ☐ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☒ In Support ☐ Not In Support
Leilani Navarro	DPHSS - DEH		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support
Tom NADERM	DPHSS - DEH		☐ 38GL-25-0329 ☒ 89-38 (COR) ☐ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support
Zevi Stike	GSWA		☐ 38GL-25-0329 ☒ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☒ Written ☐ Verbal	☒ In Support ☐ Not In Support
Michaela Pangilinan	GWCC		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☐ Verbal	☒ In Support ☐ Not In Support
Dena R. Pangilinan	GWCC		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Chahm Sa i/o/LS	DPHSS - DSC		☐ 38GL-25-0329 ☐ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support
Birn	DDA		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support



The Office of the Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
 Chairwoman, Committee on Health and Veterans Affairs

PUBLIC HEARING

Thursday, April 17, 2025, 2:00 P.M

Public Hearing Room, Guam Congress Building

- I. Doc. No. 38GL-25-0329: The appointment of Krista L. Blankenship to serve as a Member, Board of Trustees Guam Memorial Hospital, for a term of Six (6) Years; From Date of Confirmation.
- II. Bill No. 89-38 (COR) – Sabina Flores Perez - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.
- III. Bill No. 95-38 (COR) – Tina Rose Muna Barnes - AN ACT TO AMEND § 25101(a) OF CHAPTER 25, TITLE 10, GUAM CODE ANNOTATED AND § 2402(c) OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 2402.1 TO CHAPTER 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING CHILDCARE FACILITIES TO OPERATE AS INTERGENERATIONAL DAYCARE CENTERS.

Check all that apply. Please provide staff with written testimony for photocopying.

Name	Agency/Organization	Contact Information	Bill No.	Participation	Stance
Tiffany Angoco	G.E.C.C.A.		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Teresita B. Herradura	supporter		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☒ In Support ☐ Not In Support
Lillian Perez-Posadas	GMHA		☒ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Theresa Arriola	DPHSS		☐ 38GL-25-0329 ☐ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support
Michelle Onofre	Guahan Sustainable Culture		☐ 38GL-25-0329 ☒ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☐ Written ☒ Verbal	☒ In Support ☐ Not In Support
Jaime Flores	BWA		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☒ Written ☒ Verbal	☒ In Support ☐ Not In Support
Pruned Davis	EWU		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☐ Observing ☐ Written ☐ Verbal	☒ In Support ☐ Not In Support
Heidi Quinata	DPHSS		☐ 38GL-25-0329 ☐ 89-38 (COR) ☐ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support
Emeliana Cruz	TLT		☐ 38GL-25-0329 ☐ 89-38 (COR) ☒ 95-38 (COR)	☒ Observing ☐ Written ☐ Verbal	☒ In Support ☐ Not In Support
VERBENA			☐ 38GL-25-0329 ☐ 89-38 (COR) ☐ 95-38 (COR)	☐ Observing ☐ Written ☐ Verbal	☐ In Support ☐ Not In Support

My name is Irvin Slike, I am the General Manager of the Guam Solid Waste Authority. I have held this position since October 16, 2021.

I have been constructing, operating, permitting and planning Solid Waste collection and disposal systems for 40 years. I have worked in Virginia, Maryland, Connecticut, Florida, and Winnipeg Canada.

I am here today to support Bill No. 89-38 (COR), which proposes, Clarifying Protections from Liability for Food Donations. I will also provide additional comments regarding past experience with regard to food donations.

40 A105 – Donations

- The bill should utilize existing legal frameworks that exist for instance in Florida. The Hotels, Restaurants, Caterers in the Orlando region of Florida have a robust system in distributing left over food from these facilities and events to local shelters where it is safely and legally consumed.
- WM has a corporate policy directing that any company event will utilize catering services that include food donation as a priority instead of disposal.



Chief Executive Officer
Ken Ortals

Chief Operating Officer
Aja Ramos

Vice President of Operations
Beverlyn Coleman



402 E Marine Corps Dr.
Ste. 200
Hagatna, Guam 96910

P.O. Box 23873
Guam Main Facility
Barrigada, Guam 96921

T: 671.472.0218
pacificislands@westcare.com
www.westcarepacificislands.org

Written Testimony in Support of Bill No. 89-38 (COR)
Submitted to: The 38th Guam Legislature
By: WestCare Pacific Islands
Date: April 14, 2025

Honorable Chairperson and Members of the Committee,

On behalf of WestCare Pacific Islands, we submit this testimony in strong support of Bill No. 89-38 (COR), introduced by Senator Sabina Flores Perez, which proposes to add a new Chapter 40A to Division 2, Title 10 of the Guam Code Annotated. This bill is essential in clarifying protections from liability for food donations made in good faith to nonprofit organizations.

WestCare Pacific Islands has long been dedicated to uplifting individuals, families, and communities through culturally competent services that promote healing, hope, and resilience. Our work includes outreach and supportive services to vulnerable populations who often face food insecurity alongside other challenges. We understand firsthand the importance of ensuring consistent access to safe and nutritious food—and we know that many local businesses are willing to help but remain concerned about the risks of legal liability.

Bill 89-38 addresses this barrier directly. By codifying clear protections for food donors, this legislation encourages businesses to donate surplus food to nonprofit organizations without fear of legal consequences, so long as the food is donated in good faith and is safe to consume. This is a long-overdue clarification that will help redirect resources to where they are needed most: our community.

This bill supports our mission in the following ways:

1. **Increases Access to Nutrition:** It enables our organization and others to better serve at-risk populations with more consistent food support.
2. **Builds Stronger Public-Private Partnerships:** It fosters collaboration between nonprofits and local businesses, creating a community-wide effort to address hunger.
3. **Supports Environmental Stewardship:** By encouraging food donation rather than disposal, the bill helps reduce food waste and aligns with our broader commitment to sustainability.
4. **Strengthens Community Resilience:** Encouraging the safe and responsible donation of food enhances our island's capacity to care for its most vulnerable during both normal times and emergencies.

WestCare Pacific Islands commends Senator Perez for her leadership in championing this important legislation. We respectfully urge the members of the 38th Guam Legislature to support and swiftly pass Bill No. 89-38 (COR).

Thank you for your time and consideration.

Respectfully,

Beverlyn Coleman
Vice President of Operations
WestCare Pacific Islands
Email: Beverlyn.Coleman@westcare.com



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



LOURDES A. LEON GUERRERO
MAGA' HĀGAN GUĀIAN
GOVERNOR OF GUAM

JOSHUA F. TENORIO
SEGUNDO MAGA' LAIEN GUĀIAN
LT. GOVERNOR OF GUAM

THERESA C. ARRIOLA, MBA
DIRECTOR

PETERJOHN D. CAMACHO, MPH
DEPUTY DIRECTOR

AMANDA LEE SHELTON, MPA
DEPUTY DIRECTOR

Honorable Sabrina Salas Matanane
Chairwoman on Health and Veterans Affairs
Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910
Via email : office.senatorbri@guamlegislature.gov

RE : Bill 89-38 AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Hafa Adai Senator Salas Matanane and members of the 38th Guam Legislature. My name is Theresa C. Arriola, Director of the Department of Public Health and Social Services (DPHSS). Thank you for allowing us the opportunity to provide testimony on Bill 89-38 (COR) An Act to Add New Chapter 40A to Division 2, Title 10, Guam Code Annotated Relative to Clarifying Protections from Liability for Food Donations, introduced by Senator Sabina Perez.

DPHSS is in support of Bill 89-39 (COR), which encourages food donations and clarifies liability protections for donors. This bill is a positive step towards reducing food insecurity, addressing environmental waste and supporting business and local non-profits.

As the state agency for the Emergency Food Assistance Program (TEFAP), this program distributes food commodities to over 12,000 households. This includes providing items for local food pantries at the Salvation Army and Catholic Social Services and even St. Dominics. There are individuals who come into the Division of Homeless Assistance and Poverty Prevention (DHAPP) office requesting food commodities for survival. Food insecurity is a growing concern given the climate and decrease in some of the social support programs. Individuals struggle to afford nutritious meals, leading to comorbidities, bad health habits and outcomes and social stigmas. Meanwhile, thousands of pounds of edible food are wasted daily in our hotels, restaurants, and convenience stores where they could be redirected to feed those in need.

Donating this food to community organizations, churches or even maybe the Village mayors provide a resource for families struggling to make ends meet on Guam. By facilitating these donations, we can reduce food waste while simultaneously enhancing the availability of nutritious meals and sustenance to many of Guam's households.

The environmental impact of food waste is stated in the bill proposal. “20,000 tons of food waste per year on Guam, and potentially feeding “around 12% of Guam’s population or 20,000 people” speaks for itself. By enabling the donation of “apparently fit grocery product” we can significantly reduce the amount of food that ends up in our landfill. This effort supports environmental sustainability and aligns with broader goals of reducing waste and conserving our limited land.

Non-profit organizations are often strained with budget constraints and limited resources to meet the demand for services. Donations from local restaurants will be a vital lifeline for groups like Ministry to the Homeless who rely on daily community sponsors to sustain their feeding. For the Sisters of Mercy in Hagatna who feed the homeless with their own money at times, this would help. For those in shelters, these organizations can be spared from using their scarce funds toward purchasing food if needed.

Furthermore, by facilitating collaboration between food producers and non-profits, this initiative can foster stronger ties within communities, empowering individuals and businesses to become active participants in the fight against hunger. Our local restaurants are deeply embedded in our community and can play a significant role in reducing food insecurity through these donations. Many restaurant owners and managers do realize the food waste and potential good it can do but face logistical or regulatory barriers when it comes to donating food. Providing a means and liability protections can help mitigate these concerns, encouraging more businesses to not only participate, but create stronger food donation programs.

Additionally, this initiative can be a win-win for restaurant owners. Donating surplus food can reduce disposal costs, create a positive public profile and demonstrate a commitment to Inafa’maolek and attract customers who value their ethics and business culture. This legislation can inspire a broader cultural shift towards Inafa’maolek. It might encourage other sectors, such as supermarkets, caterers, food trucks and farmers, to consider joining a movement that raises the health tide of our people. As long as there are protective processes in place for consumers and incentives for providers, ongoing partnerships between food businesses, non-profits, community stakeholders can combat hunger in our most vulnerable.

This legislation aligns with FDA’s 2022 Model Food Code, which this Department’s Division of Environmental Health (DEH) is seeking to adopt in collaboration with the Guam Food Safety Advisory Group. The 2022 Code deems food donations acceptable as long as food safety practices are followed. Our current food safety regulation on Guam, known as the Guam Food Code, is based on the 2005 Model Food Code. While the Guam Food Code does not explicitly prohibit food donations, some island food establishments may be hesitant to do so nonetheless; thus, the enactment of Bill 89-39 may reduce barriers to food donations.

Also, the financial impact of Bill 89-39 to the Department is minimal. Any required outreach or regulation development can be incorporated into ongoing efforts related to the adoption of the 2022 Model Food Code by DEH.

In conclusion, as the Administration is championing the United Nations sustainable development goals (SDGs), the donation of edible food waste is a highly effective way to combat food insecurity, reduce environmental waste, and support our local community. As we are limited in our resources due to our location, we should take all measures that utilize what we have in a responsible and beneficial way for our community. By implementing the language in Bill 89-38, we can address 11 of the 17 SDGs for our island today and into the future.

DPHSS appreciates the opportunity to testify on Bill 89-38 (COR). We ask that the Legislature take into consideration the Department's recommendations and comments. Thank you very much and Si Yu'os Ma'ase.



THERESA C. ARRIOLA, MBA
Director

Cc: Senator Sabina Flores, Bill 89-38 Author



Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

COMMITTEE VOTE SHEET

Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Sabrina Salas Matanane Chairperson	<i>Smat</i> 05/09/2025			✓		
Vice Speaker V. Anthony Ada Vice Chair, Committee on Health	evote 05/09/2025	✓				
Senator Vincent A.V. Borja Vice Chair, Committee on Veterans Affairs	evote 05/08/2025			✓		
Speaker Frank F. Blas, Jr. Member	evote 05/08/2025			✓		
Senator Jesse A. Lujan Member	evote 05/08/2025	✓				
Senator Shelly V. Calvo Member						
Senator Christopher M. Duenas Member	evote 05/08/2025	✓				
Senator Eulogio Shawn Gumataotao Member	evote 05/08/2025			✓		
Senator Tina Rose Muna Barnes Member	evote 05/09/2025	✓				



Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Request for e-vote: Committee Report relative to Bill No. 89-38 (COR).

8 messages

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Wed, May 7, 2025 at 5:30 PM

To: Vice Speaker Tony Ada <vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, Senator Jesse Lujan <senator.lujan@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Chris Duenas <senator.duenas@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

Hafa Adai Committee Members:

Please see attached Committee Report relative to **Bill No. 89-38 (COR)** - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATION.

Please indicate your preferred action, based on the following options:

- TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Please submit your response **ASAP**. Your responses will be logged into the vote sheet which will be submitted as part of the final Committee Report to the Committee on Rules.

Please contact our office if you have any questions or concerns. S.

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CR 2025.04.17 89-38.pdf
21214K

Office of Senator Vince Borja <contact@senatorvinceborja.com>
Reply-To: Office of Senator Vince Borja <contact@senatorvinceborja.com>
To: office.senatorbri@guamlegislature.gov
Cc: vicespeakertonyada@guamlegislature.gov, speakerblas@guamlegislature.gov, senator.lujan@guamlegislature.gov, officeofsenatorshellycalvo@guamlegislature.gov, senator.duenas@guamlegislature.gov, office.senatorshawn@guamlegislature.gov, senator.munabarnes@guamlegislature.gov

Thu, May 8, 2025 at 8:40 AM

To report out only.

Respectfully,



Office of Senator Vincent A.V. Borja

Committee on Education, Libraries, & Public
Broadcasting

38th Guam Legislature

Suite 502, DNA Bldg. 238 Archbishop Flores St.

Hagåtña, Guam 96910

T +1 (671) 969-8423

E contact@senatorvinceborja.com

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, Office Senator Bri <office.senatorbri@guamlegislature.gov> wrote:

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Attachment(s) that exceed the 20 MB limit have been dropped. Please reach out to the sender.

Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Thu, May 8, 2025 at 8:50
AM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Cc: Vice Speaker Tony Ada <vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja
<vince.borja@guamlegislature.gov>, "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, Senator Jesse Lujan
<senator.lujan@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>,
Senator Chris Duenas <senator.duenas@guamlegislature.gov>, Senator Tina Muna Barnes
<senator.munabarnes@guamlegislature.gov>

To report out only.

- Office of Senator Shawn Gumataotao

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Office of Senator Eulogio Shawn Gumataotao

Chairman, Committee on Public Safety, Emergency Management, and Guam National Guard

38th Guam Legislature

[120 Father Duenas Avenue](#) Capitol Plaza Building, Suite 103, Hagåtña, Guam 96910

(671) 647-1409/1411

Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Thu, May 8, 2025 at 9:10 AM

To: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

Cc: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Vice Speaker Tony Ada
<vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "Speaker Frank Blas
Jr." <speakerblas@guamlegislature.gov>, Senator Jesse Lujan <senator.lujan@guamlegislature.gov>, Office of Senator
Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes
<senator.munabarnes@guamlegislature.gov>

To do pass

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Office of Senator Christopher M. Dueñas
Chairman, Committee on Government Finance and Operations
259 Martyr St., Hagatna, Guam 96910
senator.duenas@guamlegislature.gov
(671) 989-9554

[Quoted text hidden]

Senator Jesse Lujan <senator.lujan@guamlegislature.gov>

Thu, May 8, 2025 at 11:34 AM

To: Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Cc: Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Vice Speaker Tony Ada <vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

To Do Pass

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Office of Majority Leader Jesse A. Lujan
Chairman, Committee on Transportation, Tourism, Customs, Utilities and Federal & Foreign Affairs
259 Martyr St., Hagatna, Guam 96910
senator.lujan@guamlegislature.gov
(671) 969-6525
Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Thu, May 8, 2025 at 11:37 AM

To: Senator Jesse Lujan <senator.lujan@guamlegislature.gov>

Cc: Senator Chris Duenas <senator.duenas@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>, Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Vice Speaker Tony Ada <vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

To Report Out Only


Speaker, Frank F. Blas, Jr.
I Mina'trentai Ocho na Liheslaturan Guahan 38th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagatña
(671)969-6456
speakerblas@guamlegislature.gov

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Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>

Fri, May 9, 2025 at 2:03 PM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Cc: Vice Speaker Tony Ada <vicespeakertonyada@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>, Senator Jesse Lujan <senator.lujan@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Chris Duenas <senator.duenas@guamlegislature.gov>, Senator Shawn Gumataotao <office.senatorshawn@guamlegislature.gov>

to do pass

On Wed, May 7, 2025 at 5:30 PM Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> wrote:

[Quoted text hidden]

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Fri, May 9, 2025 at 4:01 PM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

To do pass

On Wed, May 7, 2025 at 5:30 PM Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> wrote:

[Quoted text hidden]

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Office of Vice Speaker V. Anthony Ada

38th Guam Legislature

I Mina'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 2nd Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

Phone: (671) 989-0855

Email: vicespeakertonyada@guamlegislature.gov

[Quoted text hidden]



Office of Legislative Secretary
SENATOR SABRINA SALAS MATANANE
I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature
Chairperson, Committee on Health and Veterans Affairs

COMMITTEE REPORT DIGEST

I. OVERVIEW:

The Committee on Health and Veterans Affairs conducted a Public Hearing on Thursday, April 17, 2025, scheduled to begin at 2:00 P.M., in the Public Hearing Room of the Guam Congress Building.

Among the other items, on the agenda for discussion was:

Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Public Notice Requirements

In accordance with Open Government Law, public notice for the Public Hearing was disseminated via email to all senators and main media broadcasting outlets on April 10, 2025, and April 15, 2025. The public notice was also posted on the Guam Legislature website and the Public Notice Portal.

Senators Present

Senator Sabrina Salas Matanane, Chairperson of the Committee on Health and Veterans Affairs
Vice Speaker V. Anthony Ada, Vice Chairperson on Health
Senator Eulogio Shawn Gumataotao, Committee Member
Senator Tina Rose Muna Barnes, Committee Member
Senator Therese M. Terlaje
Senator Sabina Flores Perez
Senator Chris Barnett

Written Testimony Submitted By:

Irvin Sike, General Manager – Guam Solid Waste Authority
Beverlyn Coleman, Vice President of Operations – WestCare Pacific Islands
Theresa Arriola, Director – Department of Public Health and Social Services

II. SUMMARY OF TESTIMONY AND DISCUSSION:

The Public Hearing was called to order at 2:02 P.M.

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU LILLIAN AND AGAIN THANK YOU KRISTA THE CONFIRMATION HEARING FOR HER NOMINATION HAS NOW BEEN CONCLUDED AND WE'RE GOING TO MOVE ON TO THE NEXT ITEM ON OUR AGENDA THANK YOU WE ARE NOW

Committee Report Digest: Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Thursday, April 17, 2025, at 2:00 P.M. | Public Hearing Room, Guam Congress Building

MOVING ON TO THE PUBLIC HEARING ON BILL 89 38 COR INTRODUCED BY SENATOR SABINA FLORES PEREZ AT THIS TIME I ASK ALL INDIVIDUALS SIGNED TO SPEAK ON THIS LEGISLATION TO SIT AT THE TABLE BEFORE WE ACCEPT PUBLIC TESTIMONY WE WILL ALLOW THE BILL'S AUTHOR OPENING STATEMENTS

SENATOR SABINA FLORES PEREZ: THANK YOU SO MUCH CHAIRPERSON SABRINA SALAS MATANANE FOR THIS OPPORTUNITY TO PRESENT TESTIMONY SO BILL 89-38 OR THE INAFAMAOLEK FOOD DONATION ACT AIMS TO PROMOTE FOOD SECURITY BY INCREASING FOOD DONATIONS ON GUAM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ESTIMATED THAT IN 2019 FOOD RETAIL FOOD SERVICE RESIDENTIAL SECTORS GENERATED ABOUT 66 MILLION TONS OF WASTED FOOD IN THE UNITED STATES AND IN 2022 12.8% OF US HOUSEHOLDS OR 44.2 PEOPLE WERE FOOD INSECURE AT SOME TIME DURING THE YEAR US EPA CONSIDERS DONATING WHOLESOME AND EDIBLE FOOD AS ONE OF THE TOP METHODS TO REDUCE FOOD WASTE NATIONWIDE ON GUAM ACCORDING TO THE 2020 JACOB'S INC FOOD WASTE AND RECOVERY STUDY AN ESTIMATED 20,000 TONS OF FOOD WASTE DERIVED FROM GROCERIES RESTAURANTS HOTELS ARE LAND WERE LANDFILLED IN A YEAR THE STUDY NOTED THAT IF THE FOOD WERE BE DIVERTED OR RECOVERED THE AMOUNT COULD FEED APPROXIMATELY 12% OF GUAM'S POPULATION OR 20,000 PEOPLE BILL 89-38 PROMOTES FOOD DONATION BY FORMALLY ADOPTING OR CODIFYING THE FEDERAL BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT INTO GUAM LAW THE BILL EMERSON GOOD SAMARITAN FOOD ACT WAS PASSED BY THE US CONGRESS IN 1996 TO PROMOTE FOOD DONATIONS TO THE NEEDY AND TO PROTECT FOOD DONORS FROM CIVIL AND CRIMINAL LIABILITIES AND SINCE THEN ALL 50 STATES HAVE BENEFITED FROM THIS AND HAWAII AND CALIFORNIA HAVE CODIFIED AND ADAPTED THIS ACT TO BETTER SUIT THEIR RESPECTIVE COMMUNITIES BILL 89 38 SPECIFICALLY PROPOSES TO LIMIT LIABILITY TO THOSE WHO DONATE FOOD IN GOOD FAITH OF APPARENTLY WHOLESOME FOOD AND APPARENTLY FIT GROCERY PRODUCTS FOR THE FOLLOWING PERSONS AND GLEANERS TO NONPROFIT ORGANIZATIONS NONPROFIT ORGANIZATIONS TO THEIR CLIENTS AND QUALIFIED DIRECT DONORS TO THEIR INDIVIDUALS IN NEED AND QUALIFIED DIRECT DONORS INCLUDE AGRICULTURAL PRODUCERS PROCESSORS DISTRIBUTORS IT ALSO INCLUDES WHOLESALERS RETAIL GROCERS RESTAURANT TOURS CATERERS SCHOOL FOOD AUTHORITIES OR INSTITUTIONS OF HIGHER EDUCATION IN THIS CONTEXT APPARENTLY WHOLESOME FOOD AND APPARENTLY FIT GROCERY PRODUCTS REFERS TO ITEMS THAT PROPERLY FOLLOW FEDERAL AND LOCAL REGULATIONS SUCH AS THE GUAM FOOD CODE BUT THAT MAY NOT BE READILY MARKETABLE DUE TO THE APPEARANCE QUALITY SIZE SURPLUS OR OTHER CONDITIONS SO A PRODUCT MAY NOT BE ATTRACTIVE BUT IT'S PERFECTLY HEALTHY TO EAT FURTHERMORE THE BILL STATES THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE LOCAL HEALTH REGULATIONS IN ORDER TO ENSURE

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Thursday, April 17, 2025, at 2:00 P.M. | Public Hearing Room, Guam Congress Building

COMPLIANCE WITH THE GUAM FOOD CODE CURRENTLY THE SALVATION ARMY RECEIVES FOOD DONATIONS BY THE HYATT IN ACCORDANCE WITH THE GUAM FOOD CODE WHERE THEY IMPLEMENT FOOD SAFETY TRAINING FOR THOSE HANDLING THE FOOD ENSURING HEALTH STANDARDS ARE MET DURING TRANSPORTATION THROUGH LABELING TEMPERATURE CONTROLS AND KEEPING LOGS OF THEIR DONATIONS BILL 89 38 IS A WIN ALL AROUND FOR OUR COMMUNITY LOCAL BUSINESSES AND THE ENVIRONMENT BECAUSE IT PRESENTS AN OPPORTUNITY FOR INCREASED DONATIONS TO OUR LOCAL FOOD PANTRIES AND NONPROFITS WITH THE HOPE THAT THEY CAN SERVICE OUR COMMUNITY YEAR ROUND BECAUSE THEY HAVE A SUFFICIENT OR SURPLUS AMOUNT OF FOOD BUSINESSES CAN UTILIZE TAX DEDUCTIONS WHEN DONATING TO NONPROFIT ORGANIZATIONS AND IT REDUCES THE PRODUCTION OF METHANE GAS WHICH IS THE SECOND LARGEST GREENHOUSE GAS THAT CONTRIBUTES TO CLIMATE CHANGE WHICH WE AS PACIFIC ISLANDERS ARE AT THE FRONT LINES I WOULD LIKE TO THANK MY CO-SPONSORS VICE SPEAKER TONY ADA SENATORS CHRIS BARNETT SHELLEY CALVO AND THERES TERLAJE FOR THEIR SUPPORT AND I LOOK FORWARD TO THE PUBLIC TESTIMONY AND THE SUPPORT OF MY COLLEAGUES SI YU'OS MA'ASE THANK YOU

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:

SENATOR PEREZ WE WILL BEGIN WITH PUBLIC TESTIMONY STARTING TO MY LEFT IF YOU COULD PLEASE STATE YOUR NAME SPEAK CLOSELY INTO THE MICROPHONE AND WHAT ORGANIZATION YOU ARE REPRESENTING

IRVINE SLIKE, GENERAL MANAER - GUAM SOLID WASTE AUTHORITY: SURE MY NAME IS IRVIN SLIKE I'M THE GENERAL MANAGER FOR THE GUAM SOLID WASTE AUTHORITY AND I'VE BEEN IN THIS POSITION SINCE OCTOBER OF 2021 I'M HERE TO BRING MY SUPPORT TO BILL 89 38 WHICH PROPOSES TO CLARIFY THE PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS FROM THE FIRST COUPLE MONTHS THAT I CAME TO GUAM I WAS INTERVIEWED BY JACOB'S ENGINEERING WHO WAS AT THE TIME PUTTING TOGETHER THE SOLID WASTE PLAN FOR THE ISLAND AND THEY KIND OF ASKED ME YOU KNOW WHAT KIND OF ADVICE WOULD YOU GIVE IF YOU WANTED TO START A FOOD WASTE COMPOSTING PROGRAM AND I TOLD THEM WELL FIRST WHAT I WOULD DO IS TO MAKE SURE THAT THE FOOD THAT'S IN THE GROCERERS OR THE RESTAURANTS OR THE HOTELS WOULD FEED PEOPLE FIRST AND THEN LOOK AT OTHER WAYS TO COMPOST IT AND DO IT TRY TO FEED THE PEOPLE FIRST INSTEAD OF YOU KNOW PUTTING TOGETHER A PROGRAM THAT MAKES DIRT I THINK THAT'S MORE IMPORTANT AND WHEN YOU THINK ABOUT IT THE PEOPLE THAT PRODUCED THE FOOD FROM THE FARMERS TO THE PEOPLE THAT TRANSPORTED IT TO THE GROCERERS WHO HAD TO YOU KNOW STOCK IT SELL IT TO THE RESTAURANT TOURS WHO PREPARED THE FOOD THEY ALL DO THAT BECAUSE THEY WANT PEOPLE TO EAT IT TO USE IT AND SO THIS WOULD FULFILL THEIR THAT LONG

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CHAIN OF PEOPLE THAT ARE PRODUCING THAT FOOD FULFILL THEIR EXPECTATIONS I OFFER UNDER 40A 105 UNDER DONATIONS A COUPLE OF SUGGESTIONS ONE IS I LIVED IN FLORIDA AND WORK FOR WASTE MANAGEMENT SO I DO KNOW THAT IN THE ORLANDO AREA AS OTHER PLACES IN THE US THEY HAVE A ROBUST SYSTEM FOR TRANSPORTING FOOD FROM GROCERIES OR RESTAURANTS OR HOTELS TO HOMELESS SHELTERS TO PEOPLE THAT COULD USE IT I SUGGEST JUST INSTEAD OF RECREATING THE WHEEL LOOK AT THOSE REGULATIONS AND IN TERMS OF TIME TEMPERATURE ETC MIRROR THOSE BECAUSE THEY WORK AND THE OTHER THING THAT I FOUND WAS CORPORATE POLICY IS PREVALENT IN THE COMMUNITY TO ONLY LOOK AT CATERERS OR OTHER PLACES RESTAURANTS THAT SUPPORT THE RE THE REUSE OF THE FOOD SO ANYWAYS I THINK YOU HAVE CORPORATIONS HERE ON THE ISLAND THAT COULD SUPPORT THAT AS WELL AND THAT THAT BASICALLY CONCLUDES MY TESTIMONY I'M OPEN FOR ANY QUESTIONS

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU MR SLIKE

MICHELLE CRISOSTOMO, PERSIDENT - GUAHAN SUSTAINABLE CULTURE:

HABA ADAI MY NAME IS MICHELLE CRISOSTOMO AND I AM THE PRESIDENT AND CO-FOUNDER FOR GUAHAN SUSTAINABLE CULTURE AND I AM HERE TO GIVE MY STRONG SUPPORT FOR BILL 89 38 REPRESENTING GSC BUT ALSO AS A FARMER AND A COMMUNITY MEMBER WHO HAS BEEN VERY ACTIVE YOU KNOW GIVING OUT FOOD TO FAMILIES IN NEED WORKING WITH OUR FARMERS ESPECIALLY DURING COVID TO PURCHASE SURPLUS FOODS THAT MIGHT HAVE OTHERWISE GONE TO WASTE AND WE'VE SEEN A LOT OF THE FIRSTHAND CHALLENGES OF FOOD INSECURITY AND FOOD WASTE HERE ON GUAM AND BEYOND ADDRESSING HUNGER THE BILL ALIGNS PERFECTLY WITH SOUND ENVIRONMENTAL PRACTICES ESPECIALLY WHEN WE'RE TALKING ABOUT THE METHANE GAS AND ITS CONTRIBUTION TO CLIMATE CHANGE AND OUR ORGANIZATION HAS BEEN ACTIVELY PROMOTING A COMPOSTING PROGRAM HERE ON GUAM AS A METHOD TO DIVERT FOOD WASTE BUT WE FIRMLY BELIEVE IN THE FOOD RECOVERY HIERARCHY WHERE FEEDING HUNGRY PEOPLE IS THE HIGHEST AND BEST USE OF SURPLUS FOOD AND THEN ONLY AFTER EXPLORING ALL OF THOSE OPTIONS SHOULD WE CONSIDER COMPOSTING OR OTHER FORMS OF DISPOSAL MANY BUSINESSES ON GUAM ARE HESITANT TO DONATE THEIR SURPLUS FOOD DUE TO PERCEIVED LIABILITY CONCERNS WE HAVE CONDUCTED SURVEYS IN THE PAST AND WE HAVE HEARD FIRSTHAND FROM RESTAURANTS WHICH REVEALED THAT HARDLY ANY OF THE BUSINESSES WE SURVEYED WERE DONATING THEIR SURPLUS FOOD TO FEED THE HUNGRY INSTEAD THAT PERFECTLY EDIBLE FOOD WAS ENDING UP IN THE LANDFILL AND THE IRONY IS THAT WHILE BUSINESSES FEAR LIABILITY FROM DONATION THE GREATER LIABILITY THAT WE FACE AS AN ISLAND IS THE ENVIRONMENTAL SOCIAL AND ECONOMIC COST OF OUR

Committee Report Digest: Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

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OVERFLOWING LANDFILL AND GROWING FOOD INSECURITY THE METHANE EMISSIONS LOST NUTRITIONAL VALUE AND WASTED RESOURCES REPRESENT A FAR GREATER COLLECTIVE LIABILITY THAN THE MINIMAL RISK OF GOOD FAITH FOOD DONATION SINCE 2020 GSC HAS HELPED REDIRECT OVER 50,000 POUNDS OF LOCAL SURPLUS PRODUCE WHICH I MENTIONED MUCH OF THAT HAD BEEN DURING THE COVID PANDEMIC AND WE'VE PARTNERED WITH LOCAL FARMS FOOD BUSINESSES AND THE GUAM DEPARTMENT OF AGRICULTURE TO CONNECT THIS NUTRITIOUS FOOD WITH FAMILIES WHO NEEDED IT THERE ARE COMPANIES WE HAVE LOOKED AT INCLUDING GOODR WHICH IS G O O D R IN THE US THAT HAVE DEMONSTRATED HOW TECHNOLOGY AND LEGAL PROTECTION CAN TRANSFORM FOOD RECOVERY EFFORTS THEY USE A FOOD WASTE MANAGEMENT PLATFORM TO CONNECT BUSINESSES WITH SURPLUS FOOD TO NONPROFIT ORGANIZATIONS AND SO THEY HAVE CREATED AN EFFICIENT RECOVERY SYSTEM WHILE PROVIDING BUSINESSES WITH TAX BENEFITS AND DETAILED ANALYTICS ON THEIR CONTRIBUTIONS TO COMMUNITY WELFARE AND ENVIRONMENTAL SUSTAINABILITY SO WITH THIS BILL'S PASSAGE I BELIEVE THAT SIMILAR INNOVATIVE LOGISTIC SOLUTIONS COULD FLOURISH ON OUR ISLAND CREATING A MORE EQUITABLE AND SUSTAINABLE FOOD SYSTEM FOR ALL OF OUR RESIDENTS BILL 89 38 ADDRESSES MULTIPLE CRITICAL ISSUES FACING OUR ISLAND FOOD INSECURITY ENVIRONMENTAL SUSTAINABILITY AND ECONOMIC EFFICIENCY BY CLARIFYING LIABILITY PROTECTIONS FOR FOOD DONORS AND CREATING A FRAMEWORK FOR INCREASED FOOD RECOVERY THIS LEGISLATION WILL HELP ENSURE THAT GOOD FOOD REACHES THOSE WHO NEED IT MOST RATHER THAN CONTRIBUTING TO OUR LANDFILL PROBLEM I URGE THE COMMITTEE TO SUPPORT THE PASSAGE OF THE INFAT MALIK FOOD DONATION ACT THIS LEGISLATION EMBODIES OUR CULTURAL VALUE OF INFAT MALIK MAKING THINGS RIGHT FOR EACH OTHER BY CREATING PATHWAYS FOR OUR COMMUNITY TO SHARE ABUNDANCE AND REDUCE WASTE THANK YOU FOR THE OPPORTUNITY TO PROVIDE TESTIMONY ON THIS IMPORTANT LEGISLATION SI YU'OS MA'ASE'

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU MISS CRISOSTOMO MRS ARRIOLA

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: THANK YOU CHAIRPERSON SABRINA SALAS MATANANE MEMBERS OF THE 38TH GUAM LEGISLATURE MY NAME IS THERESA ARRIOLA THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES THANK YOU FOR ALLOWING ME THIS OPPORTUNITY TO PROVIDE TESTIMONY ON BILL 89 38 THAT INTRODUCE IS THAT WAS INTRODUCED BY SENATOR SABINA PEREZ THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES IS IN SUPPORT OF BILL 89 39 WHICH ENCOURAGES FOOD DONATION AND CLARIFIES LIABILITY PROTECTIONS FOR DONORS THIS BILL IS A POSITIVE STEP TOWARDS

Committee Report Digest: Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

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REDUCING FOOD INSECURITY ADDRESSING ENVIRONMENTAL WASTE AND SUPPORTING BUSINESS AND LOCAL NONPROFITS AS THE STATE AGENCY FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM TFAP THIS PROGRAM DISTRIBUTES THE PROGRAM THAT DISTRIBUTES FOOD COMMODITIES TO OVER 12,000 HOUSEHOLDS THIS INCLUDES PROVIDING ITEMS FOR LOCAL FOOD PANTRIES AT THE SALVATION ARMY AND THE CATHOLIC SOCIAL SERVICES AND ST DOMINIC'S THERE ARE INDIVIDUALS WHO COME INTO THE DIVISION OF HOMELESSNESS ASSISTANCE AND POVERTY PREVENTION OFFICE REQUESTING FOOD COMMODITIES FOR SURVIVAL FOOD INSECURITY IS A GROWING CONCERN GIVEN THE CLIMATE AND DECREASE IN SOME OF THE SOCIAL SUPPORT PROGRAMS INDIVIDUALS STRUGGLE TO AFFORD NUTRITIOUS MEALS LEADING TO CORORMABILITIES BAD HEALTH HABITS AND OUTCOMES AND SOCIAL STIGMAS MEANWHILE THOUSANDS OF POUNDS OF EDIBLE FOOD ARE WASTED DAILY IN OUR HOTELS RESTAURANTS AND CONVENIENCE STORES WHERE THEY COULD BE REDIRECTED TO FEED THOSE MOST IN NEED DONATING THIS FOOD TO COMMUNITY ORGANIZATIONS SUCH AS CHURCHES OR EVEN MAYBE THE VILLAGE MAYORS PROVIDE A RESOURCE FOR FAMILIES STRUGGLING TO MAKE ENDS MEET ON GUAM BY FACILITATING THESE DONATIONS WE CAN REDUCE FOOD WASTE WHILE SIMULTANEOUSLY ENHANCING THE AVAILABILITY OF NUTRITIOUS MEALS AND SUSTENANCE TO MANY OF GUAM'S HOMES HOUSEHOLDS THE ENVIRONMENTAL IMPACT OF FOOD WASTE IS STATED IN THE BILL PROPOSAL 20,000 TONS OF FOOD WASTE PER YEAR ON GUAM AND POTENTIALLY FEEDING AROUND 12% OF GUAM'S POPULATION OR 20,000 PEOPLE SPEAKS FOR ITSELF BY ENABLING THE DONATION OF THE APPARENTLY FIT GROCERY PRODUCT WE CAN SIGNIFICANTLY REDUCE THE AMOUNT OF FOOD THAT ENDS UP IN OUR LANDFILL THIS EFFORT SUPPORTS ENVIRONMENTAL SUSTAINABILITY AND ALIGNS WITH THE BROADER GOALS OF REDUCING WASTE AND CONSERVING OUR LIMITED LAND NONPROFIT ORGANIZATIONS ARE OFTEN STRAINED WITH BUDGET CONSTRAINTS AND LIMITED RESOURCES TO MAKE THE MEET THE DEMAND FOR THEIR SERVICES DONATIONS FROM LOCAL RESTAURANTS WILL BE A VITAL LIFELINE FOR GROUPS LIKE THE MINISTRY OF THE HOMELESS WHO RELY ON DAILY COMMUNITY SPONSORS TO SUSTAIN THEIR FEEDING FOR THE SISTERS OF MERCY AND HAGATNA WHO FEED THE HOMELESS WITH SOMETIMES THEIR OWN MONEY THIS WOULD HELP FOR THOSE IN SHELTER THESE ORGANIZATIONS CAN BE SPARED FROM USING THEIR SCARCE FUNDS TOWARDS PURCHASING FOOD IF NEEDED FURTHERMORE BY FACILITATING COLLABORATION BETWEEN FOOD PRODUCERS AND NONPROFITS THIS INITIATIVE CAN FOSTER STRONGER TIES WITHIN COMMUNITIES EMPOWERING INDIVIDUALS AND BUSINESSES TO BECOME ACTIVE PARTICIPANTS IN THE FIGHT AGAINST HUNGER OUR LOCAL RESTAURANTS ARE DEEPLY EMBEDDED IN THE COMMUNITY AND CAN PLAY A SIGNIFICANT ROLE IN REDUCING FOOD INSECURITY THROUGH THESE DONATIONS MANY RESTAURANT OWNERS AND

Committee Report Digest: Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

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MANAGERS DO REALIZE THE FOOD WASTE AND POTENTIAL GOOD IT CAN DO BUT FACE LOGISTICAL OR REGULATORY BARRIERS WHEN IT COMES TO DONATING FOOD PROVIDING A MEANS AND LIABILITY PROTECTION CAN HELP MITIGATE THESE CONCERNS ENCOURAGING MORE BUSINESSES TO NOT ONLY PARTICIPATE BUT CREATE STRONGER FOOD DONATION PROGRAMS ADDITIONALLY THIS INITIATIVE CAN BE A WIN-WIN FOR RESTAURANT OWNERS DONATING SURPLUS FOOD CAN REDUCE DISPOSAL COSTS CREATE A POSITIVE PUBLIC PROFILE AND DEMONSTRATE A COMMITMENT TO INFAMAOLEK AND ATTRACT CUSTOMERS WHO VALUE THEIR ETHICS AND BUSINESS CULTURE THIS LEGISLATION CAN INSPIRE A BROADER CULTURAL SHIFT TOWARDS INFAMAOLEK IT MIGHT ENCOURAGE OTHER SECTORS SUCH AS SUPERMARKETS CATERERS FOOD TRUCKS AND FARMERS TO CONSIDER JOINING A MOVEMENT THAT RAISES THE HEALTH TIDE OF OUR PEOPLE AS LONG AS THERE ARE PROTECTIVE PROCESSES IN PLACE FOR CONSUMERS AND IN INCENTIVES FOR PROVIDERS ONGOING PARTNERSHIPS BETWEEN FOOD BUSINESSES NONPROFITS COMMUNITY STAKEHOLDERS CAN COMBAT HUNGER IN OUR MOST IN OUR MOST VULNERABLE THIS LEGISLATION ALSO ALIGNS WITH FDA'S 20 TWO 2022 MODEL FOOD CODE WHICH THIS DEPARTMENT'S DIVISION OF ENVIRONMENTAL HEALTH IS SEEKING TO ADOPT IN COLLABORATION WITH THE GUAM FOOD SAFETY ADVISORY GROUP THE 2022 CODE SEEMS DEEMS FOOD DONATIONS ACCEPTABLE AS LONG AS FOOD SAFETY PRACTICES ARE FOLLOWED OUR CURRENT FOOD SAFETY REGULATION ON GUAM KNOWN AS THE GUAM FOOD CODE IS BASED ON THE 2005 MODEL FOOD CODE WHILE THE FOOD CODE WHILE GUAM FOOD CODE DOES NOT EXPLICITLY PROHIBIT FOOD DONATION SOME ISLAND FOOD ESTABLISHMENTS MAY BE HESITANT TO DO SO NONETHELESS THUS THE ENACTMENT OF BILL 89 39 MAY REDUCE BARRIERS TO FOOD DONATIONS AS ALSO THE FINANCIAL IMPACT OF BILL 89 TO THE DEPARTMENT IS MINIMAL ANY REQUIRED OUTREACH OR REGULATORY DEVELOPMENT CAN BE INCORPORATED INTO ONGOING EFFORTS RELATED TO THE ADOPTION OF THE 20 2022 MODEL FOOD CODE BY DEH IN CONCLUSION AS THE LEON GUERROR TENORIO ADMINISTRATION IS CHAMPIONING THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS OR SDGS THE DONATION OF EDIBLE FOOD WASTE IS HIGHLY EFFECTIVE WAY TO COMBAT FOOD INSECURITY REDUCE ENVIRONMENTAL WASTE AND SUPPORT OUR LOCAL COMMUNITY AS WE ARE LIMITED IN OUR RESOURCES DUE TO OUR LOCATION WE SHOULD TAKE ALL MEASURES THAT UTILIZE WHAT WE HAVE IN A RESPONSIBLE AND BENEFICIAL WAY FOR OUR COMMUNITY BY IMPLEMENTING THE LANGUAGE IN BILL 89 38 WE CAN ADDRESS 11 OF THE 17 SDGS FOR OUR ISLAND TODAY AND INTO THE FUTURE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES APPRECIATES THE OPPORTUNITY TO TESTIFY ON BILL 89 WE ASK THAT THE LEGISLATURE TAKE INTO CONSIDERATION THE DEPARTMENT'S RECOMMENDATION AND COMMENTS THANK YOU VERY MUCH AND SI YU'OS MA'ASE FOR THIS OPPORTUNITY

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SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:

THANK YOU MRS ARRIOLA WE WILL NOW BEGIN QUESTIONS STARTING WITH THE BILL'S AUTHOR SENATOR PEREZ

SENATOR SABINA FLORES PEREZ: THANK YOU CHAIRPERSON MATANANE SO I DO APPRECIATE ALL OF YOUR TESTIMONY IN SUPPORT OF THE BILL DEFINITELY IT MEANS A LOT TO ME AS WELL AS TO WESTCARE I BELIEVE WESTCARE ALSO PROVIDED TESTIMONY WRITTEN TESTIMONY AND SUPPORT SI YU'OS MA'ASE' I UNDERSTAND THAT THE MODEL FOOD CODE IS GOING TO BE YOU'RE WORKING ON IT TO BE ADOPTED AND IT'S ALIGNED WITH THIS BILL SO I'M LOOKING FORWARD TO THAT AND PROVIDING INPUT IF NECESSARY SO THANK YOU FOR THAT I KNOW IN THE BILL IT STATES THAT THE RULES AND REGS ARE TO BE DEVELOPED AND SO IT ALIGNS WITH THAT PROCESS DO YOU KNOW THE TIMELINE PERHAPS OF YOU KNOW THE MODEL FOOD CODE THE 2022 ADOPTION

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: I'LL ASK CHIEF OF DEH TOM NADEAU TO HE HAS THE DETAILS ON THAT

TOM NADEAU, CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: THANK YOU SENATOR FOR THE QUESTION MY NAME IS TOM NADEAU I'M THE CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER WITH THE DIVISION OF ENVIRONMENTAL HEALTH SO WE HAVE WHAT'S CALLED FORMERLY CALLED GUAM FOOD SAFETY TASK FORCE NOW IT'S NAMED GUAM FOOD SAFETY GUAM FOOD SAFETY ADVISORY GROUP AND THEY WERE THE GROUP THAT ASSISTED US IN REVIEWING MODIFYING AND EVENTUALLY ADOPTING THE GUANG FOOD CODE WHICH IS BASED ON 2005 FOOD CODE IN FACT WE HAD A DISCUSSION IN THE LAST TWO MEETINGS WHICH WE MEET QUARTERLY OF WANTING TO UPDATE IT TO REFLECT THE CURRENT MODEL WHICH IS 2002 NOW AS YOU KNOW THE AO PROCESS COULD BE TIMELY THERE ARE MANY STEPS ALONG THE WAY I CAN'T GIVE A TIMELINE SENATOR BUT I WILL SAY THIS IT'LL BE MUCH SHORTER THAN IT WAS WHEN YOU ADOPTED THE 2005 WHICH TOOK 10 YEARS DUE TO SEVERAL DELAYS AND OBSTACLES BUT WE BELIEVE YOU CAN DO IT BEING OPTIMISTIC MA'AM EARLIEST ONE YEAR AT WORST MAYBE MORE THAN A YEAR BUT BEING OPTIMISTIC MAYBE WITHIN A YEAR

SENATOR SABINA FLORES PEREZ: OKAY THAT'S GOOD TO HEAR THAT YEAH I DO APPRECIATE ALL THE WORK I UNDERSTAND I WAS PART OF THAT THAT GROUP AND THERE'S BEEN A LOT OF A HUGE IMPROVEMENT OR PROGRESS BEING MADE SO THANK YOU THANK YOU FOR THAT

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TOM NADEAU, CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: THANK YOU SENATOR

SENATOR SABINA FLORES PEREZ: CHIEF SO THE OTHER THING THAT I NOTICED I DO APPRECIATE THE SUGGESTIONS BY MICHELLE SO THANK YOU FOR SO GOODR HAS A IT LOOKS LIKE SOME APP OR SOME SORT OF TECHNOLOGY WHERE IT CAN REALLY KIND OF PINPOINT TO MAKE SURE THAT ALL OF THESE REGULATIONS ARE BEING FOLLOWED SO IS THAT ACCURATE

MICHELLE CRISOSTOMO, PERSIDENT - GUAHAN SUSTAINABLE CULTURE:

YES AND I WAS ABLE TO ACTUALLY LISTEN TO THE FOUNDER EARLY FEBRUARY THIS YEAR GIVE A PRESENTATION AT A COMPOSTING WORKSHOP IN FEBRUARY AND SHE WAS EXPLAINING THE APP AND HOW THEY REALLY ARE LIKE THE MIDDLE PERSON THEY HANDLE ALL THE LOGISTICS AND THEY ARE ABLE TO ALSO TAKE ON THE LIABILITY SO THERE'S SOMETHING THAT THEY DO TO HELP TAKE ON THE LIABILITY AND PUT THE RESTAURANTS AND FOOD BUSINESSES AT EASE WHEN THEY ARE DONATING THEIR FOOD SO IT'S A GOOD MODEL TO LOOK AT AND I'LL BE HAPPY TO SHARE MORE WITH YOU THAT'LL BE GREAT TO ALSO INCLUDE THAT INTO THE DISCUSSION FOR THE MODEL FOOD CODE AS WELL SO THANK YOU FOR THAT SUGGESTION AND GENERAL MANAGERS LIKE I DO APPRECIATE ALSO YOUR INPUT IN REGARDS TO HOW TO MAKE IT MORE ROBUST SO LOOKING AT THESE JURISDICTIONS LIKE IN FLORIDA WHERE THEY ACTUALLY HAVE REALLY KIND OF MADE A I GUESS A INFRASTRUCTURE FOR FOOD DONATION THAT'S RELIABLE SO I THINK THAT'S REALLY IMPORTANT AND YOU ALSO WORKED IN FLORIDA IS THAT CORRECT

IRVINE SLIKE, GENERAL MANAER - GUAM SOLID WASTE AUTHORITY: YES THAT'S CORRECT I WORK FOR WASTE MANAGEMENT AND I SAID AS I SAID THEY HAD A CORPORATE POLICY TO USE CATERERS THAT WOULD DONATE THE FOOD AFTER AN EVENT AND WHAT WOULD HAPPEN WAS THERE WOULD BE A THE CORPORATE WOULD PROVIDE A LIST OF PARTICIPATING CATERERS YOU WOULD SELECT THEM THE CATERER WOULD WANT TO KNOW WHERE THE LOCATION WAS THAT THE FOOD WAS TO BE DELIVERED TO APPROXIMATELY HOW MANY PEOPLE SO THEY WOULD TAILOR IT TO MAKE SURE THAT THERE WASN'T TOO EXCESSIVE AMOUNT OF FOOD THE CATERER WOULD ALSO BE REQUIRED UNDER TIME TO NOTE HOW LONG THE FOOD WAS OUT WHAT TEMPERATURE IT WAS AND THEN MUCH TO THE CHAGRIN OF SOME OF THE PARTICIPANTS THEY WOULD CLOSE UP THE BUFFET LINE BECAUSE THE NEXT STEP WOULD BE TO GO TO THE LOCATION AND THE CATER WOULD ACTUALLY NOT ONLY DETERMINE WHERE THE LOCATION TO SERVE IT WAS BUT ALSO WHERE IT WAS TO BE DELIVERED TO AT THE END OF THE EVENT AND THE TIME IT TOOK TO GET THERE SO THAT

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EVERYTHING WOULD FALL IN LINE WITH FLORIDA DEPARTMENT OF HEALTH REGULATIONS

SENATOR SABINA FLORES PEREZ: OKAY THANK YOU FOR THAT AND ALSO WE DID I DID REACH OUT TO DEPARTMENT OF REVENUE AND TAXATION TO KIND OF BRING INFORMATION REGARDS TO THE TAX DEDUCTIONS AND BENEFITS FOR BUSINESSES TO IN THAT REGARD SO THANK YOU SO MUCH I APPRECIATE YOUR TIME AND EFFORT IN PROVIDING TESTIMONY TODAY THANK YOU MADAM CHAIR

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU SENATOR PEREZ SENATOR GUMATAOTAO

SENATOR EULOGIO SHAWN GUMATAOTAO, COMMITTEE MEMBER:
THANK YOU MADAM CHAIR AND THANK YOU FOR BEING WITH US PANEL MADAM CHAIR ACCORDING TO INFORMATION THAT WAS PUBLISHED ON DECEMBER 10TH 2024 BY THE US CENTERS FOR DISEASE CONTROL AND PREVENTION IN 2019 THERE WERE 9.9 MILLION DOMESTICALLY ACQUIRED FOOD BORN ILLNESSES THAT THE CDC ESTIMATES WERE CAUSED BY SIX PATHOGENS ACCORDING TO ANOTHER REPORT FROM THE US PUBLIC INTEREST RESEARCH GROUP EDUCATION FUND A TOTAL OF 1,392 AMERICANS IN 2024 BECAME ILL AFTER CONSUMING A CONTAMINATED FOOD ITEM THIS IS UP FROM 1,118 IN 2023 THE NUMBER OF HOSPITALIZATIONS MORE THAN DOUBLED RISING FROM 230 TO 487 AND DEATHS CLIMBED FROM 8 TO 19 NEARLY ALL 98% OF THE PEOPLE THAT BECAME ILL FROM FOOD THAT WAS RECALLED IN 13 OUTBREAKS WITH CONFIRMED ILLNESSES ALL BUT ONE WHICH IT INVOLVED EITHER LISTISTERIA SALMONELLA OR ECOLI MADAM CHAIR THE PROPOSED SECTION 40 40A 106 CONSTRUCTION ON PAGE 7 LINES 10 AND 12 STATES THAT THE SECTION SHALL NOT BE CONSTRUED TO CREATE ANY LIABILITY THAT NONE OF THE PROPOSED POLICIES SHALL BE CONSTRUED TO SUPERSEDE LOCAL HEALTH GUIDELINES THIS IS PROBABLY A QUESTION FOR PUBLIC HEALTH BUT RECOGNIZING THAT GUAM LAW SPECIFICALLY 10GCA SECTION 22101 REQUIRES EVERY PERSON INCLUDING BUT NOT LIMITED TO HANDLERS OF FOOD OR DRINK IN ANY EATING AND DRINKING ESTABLISHMENT OR AT ANY FOOD SERVICE ESTABLISHMENT TO OBTAIN A HEALTH CERTIFICATE EVERY YEAR PLEASE CONFIRM WHETHER THAT THESE SAME REQUIREMENTS WOULD APPLY TO THOSE WHO WOULD BE DISTRIBUTING FOOD TO PERSONS IN NEED EITHER MAYBE THROUGH SOUP KITCHENS OR MAYBE EVEN THE ANNUAL THANKSGIVING GIVEAWAYS THAT WE SEE AT THE CHAMORRO VILLAGE OH YES THANKS TOM

TOM NADEAU, CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: MAYBE I CAN BEST ANSWER THAT SENATOR FIRST WE REGULATE THOSE BUSINESSES THAT ARE JUST THAT BUSINESSES THERE'S COMMERCE INVOLVED EXCHANGE OF MONEY GOODS OTHER EVEN PROMOTION PROMOTING THEIR BUSINESS OR THEIR

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PRODUCT SO IF IT'S A DONATION THERE'S NO COMMERCE INVOLVED THEN WE DO NOT GET INVOLVED WE HAVE NO AUTHORITY TO REGULATE THAT SO IN OTHER WORDS IF A HOTEL OR RESTAURANT DONATES FOOD TO A NONPROFIT THAT IS NOT A COMMERCE IN TERMS OF EXCHANGE OF GOODS SO WE WOULD NOT HAVE OVERSIGHT OVER THAT BUT WITH THAT SAID OF COURSE THE ESTABLISHMENT THAT'S HANDLING THE FOOD THAT'S PRIVATE FOOD THEY'RE EXPECTED TO HAVE THE EMPLOYEES A HEALTH CERTIFICATE AND THE BUSINESS IN THIS CASE ABIDE BY THE GOVERNING REGULATIONS SUCH AS THE GUAM FOOD CODE DOES THAT ANSWER THE QUESTION SENATOR

SENATOR EULOGIO SHAWN GUMATAOTAO, COMMITTEE MEMBER: YES IT DOES YEAH THANK YOU TOM FOR THAT AND MAYBE YOU MIGHT WANT TO STAY FOR A SECOND THIS IS I JUST WANT TO MAKE SURE I GET THIS FOR THE RECORD WHAT DATA IS AVAILABLE SUMMARIZING THE NUMBER OF REPORTED FOODBORNE ILLNESSES IN GUAM MAYBE FOR AT LEAST THE LAST THREE CALENDAR YEARS AND WHAT PORTION OF WOULD YOU SAY OF THESE REPORTS WERE ATTRIBUTED TO FOOD THAT WERE PREPARED OUTSIDE OF A DPHSS AUTHORIZED FACILITY OR PERSONS NOT AUTHORIZED BY PUBLIC HEALTH TO HANDLE FOOD OR DRINKS

TOM NADEAU, CHIEF ENVIRONMENTAL PUBLIC HEALTH OFFICER - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: OKAY SO THE INFORMATION REGARDING FOOD BOY ILLNESS ON GUAM ARE REPORTED AND COLLECTED BY OUR EPIDEMIOLOGIST WITH THE DIVISION OF PUBLIC HEALTH BUT WHAT I DO KNOW SPEAKING WITH THEM AS WELL AND THE FACT THAT WE OVERSEE FOOD FACILITIES IS THAT THERE'S IN THE LAST DECADE THERE MAY BE ONLY ONE DOCUMENTED CASE OF FUBONOS OUTBREAK SO IN TERMS OF DATA SHOWING THE FOOD BORN ILLNESS OUTBREAKS ON GUAM IT'S QUITE LOW COMPARED TO THE MAYBE OTHER JURISDICTIONS OF COURSE THERE'S WE'RE NOT SAYING THE PUBLIC HEALTH IS NOT SAYING ANYWAY THAT THERE'S NO FOOD ILLNESS OCCURRING ON GUAM BUT IN TERMS OF ACTUAL OUTBREAK MEANING THERE ARE TWO OR MORE INDIVIDUALS GOTTEN SICK FROM THE SAME SOURCE THAT'S ACTUALLY DOCUMENTED REPORTED TO US HAS BEEN VERY LOW IN THE LAST DECADE IN FACT WE'RE PRETTY PROUD OF THAT NUMBER AND WE THINK THAT HAS TO DO WITH STRINGENT REGULATIONS AND LAWS THAT'S IN PLACE OF FOOD SAFETY AND THAT WE REQUIRE ALL EMPLOYEES WHO WORK AT A FOOD FACILITY TO HAVE HEALTH CERTIFICATE AND EVERY FOOD FACILITY HAVE A MANAGER WHO'S TRAINED IN FOOD SAFETY SO WE THINK THERE'S A LOT OF CONTRIBUTING FACTORS TO THAT AND FRANKLY MAYBE CAN A LITTLE BIT OF LUCK ALSO MAYBE PLAY A ROLE IN THAT BUT GUAM IN TERMS OF NUMBERS IT'S PRETTY IT'S QUITE LOW IN TERMS OF REPORTED FOOD BORN ILLNESS OUTBREAKS ON GUAM YEAH

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SENATOR EULOGIO SHAWN GUMATAOTAO, COMMITTEE MEMBER: ALL RIGHT THANK YOU TOM AND THANK YOU PUBLIC HEALTH FOR ALL THAT YOU DO FOR THE PEOPLE OF GUAM AND THANK YOU MADAM CHAIR FOR THE TIME APPRECIATE IT

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
SENATOR MUNU BARNES

SENATOR TINA ROSE MUNA BARNES, COMMITTEE MEMBER: THANK YOU VERY MUCH MADAM CHAIR I REALLY DON'T HAVE ANY QUESTIONS FOR THE PANEL I JUST WANT TO SAY THANK YOU FOR BEING HERE AND I REALLY I'M LOOKING FORWARD TO SEEING THIS BILL GO INTO THE AGENDA AS I TO SUPPORT THE EFFORTS SAINA MA'ASE

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU SENATOR BARNETT

SENATOR CHRIS BARNETT: SI YU'OS MA'ASE' MADAM CHAIR FOR THE OPPORTUNITY TO SPEAK AND THANK YOU TO THE PANEL FOR THE VERY INSIGHTFUL TESTIMONY IT JUST REMINDS ME OF A FEW THINGS IN ONE OF MY FIRST JOBS I WAS WORKING AT POPEYE'S WHEN IT WAS OVER AT GIBSON'S NOT THE ONE ON THE BASE AND EVERY NIGHT I WORKED THE NIGHT SHIFT THE EMPLOYEES WOULD SPLIT ALL THE FOOD THAT WAS LEFT OVER AT THE END OF THE NIGHT AND SO SOMETIMES SOME PEOPLE MAY HAVE FRIED A LITTLE EXTRA CHICKEN BEFORE CLOSING BUT I WENT TO A FAST FOOD RESTAURANT RECENTLY AND I KIND OF ASKED ONE OF THE LADIES AT THE WINDOW HEY YOU KNOW YOU WORK THE NIGHT SHIFT SO WHEN YOU GUYS CLOSE WHAT DO YOU DO WITH THE FOOD AND SHE'S I SAID DO YOU GET TO TAKE SOME HOME AND SHE GOES YEAH BUT ALREADY WE'RE TIRED OF IT SO USUALLY WE JUST THROW IT AWAY WHICH YOU KNOW I'M VERY GRATEFUL THAT THIS BILL WILL ADDRESS THAT AND THEN YOU KNOW I HAVE AN UNCLE WHO FARMS AND BEFORE THE PANDEMIC WE'D ALWAYS MEET HIM OVER AT MY ONE OF MY FRIENDS HOUSES BECAUSE HE WOULD GO AROUND TO ALL OF THE SCHOOL CAFETERIAS AND EVEN YOU KNOW THE COST-U-LESS PAY LESS AND HE WOULD PICK UP EXPIRED PRODUCE FROM THE CAFETERIAS THEY WOULD GET ALL THE MEAL SLOP BUT THEY WOULD ALSO A LOT OF TIMES GET CHOCOLATE MILK SKIM MILK AND A LOT OF THIS STUFF WAS YOU KNOW STILL GOOD SURPLUS SOME OF IT WAS JUST EXPIRED YOU KNOW BUT ALL OF THIS THIS PRODUCE AND STUFF HE WOULD USE TO FEED THE PIG YOU KNOW AND A LOT OF IT WHEN WE'D BE CHUCKING IT OVER THE FENCE TO THE PIG PEN YOU WOULD SEE YOU KNOW GREEN GRAPES BROCCOLI TOMATOES AND SOME OF IT WAS YOU KNOW MOLDY BUT A LOT OF IT WAS STILL GOOD AND YOU KNOW THE PIGS GOT TO EAT BUT TIMES ARE TOUGH NOWADAYS AND SO I COMMEND SENATOR PEREZ FOR THIS GREAT BILL WHICH HAS YOU KNOW MANAGED TO GET THE SUPPORT OF SOME REALLY INTEGRAL PEOPLE SO I

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SUPPORT THE LEGISLATION VERY MUCH AND AND I JUST THINK THAT OUR PEOPLE ARE DEFINITELY IN A IN A TIME OF NEED NOW IN ANY WAY THAT WE CAN ASSIST THEM WITH ANY TYPE OF FOOD DONATION AND I ALSO APPRECIATE THAT THIS COVERS HOT FOOD SO TO SPEAK YOU KNOW BUFFETS AS WELL AS WHAT YOU'RE GOING TO GET FROM THE GROCERY STORES AND MAYBE EVEN SOME OF THE GDOE CAFETERIA SO I KNOW IN THE BILL 48 105 MANDATES THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO PROMOTE THE RECOVERY OF FOOD FIT FOR HUMAN CONSUMPTION THROUGH METHODS SUCH AS BUT NOT LIMITED TO OUTREACH ONLINE EDUCATIONAL CAMPAIGNS NEWSLETTERS BULLETINS AND SO MY QUESTION DIRECTOR ARRIOLA AND I ASSUME THE ANSWER IS YES YOU GUYS ARE PREPARED TO DO THAT WITH YOUR MARKETING PEOPLE

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: WELL OF COURSE THE DEPARTMENT THE DIVISION OF HOMELESSNESS AND POVERTY PREVENTION IS PROBABLY GOING TO TAKE I SEE TAKING THE LEAD RIGHT I MEAN BECAUSE THEY ARE REALLY INTERACTING WITH THE MOST VULNERABLE IN OUR COMMUNITY THAT NEED THE FEEDING AND WE'RE COLLABORATING AND PARTNERING WITH THE SOUP KITCHENS AND THE NONPROFIT ORGANIZATIONS THAT YOU KNOW LIKE CATHOLIC SOCIAL SERVICES SALVATION ARMY SO ABSOLUTELY WE'RE READY TO DO THAT IT'S THE NICE THING ABOUT THE LAW OR THE BILL IS THAT THERE'S SOME PROTECTION AND SO IF THERE'S ANY HESITATION FROM ANYONE WHETHER IT'S A BUSINESS OR A RESTAURANT OR WHATEVER BUSINESS THAT IS THAT IS HANDLING FOOD THERE'S SOME PROTECTION FOR THEM AND JUST WHEN YOU WERE TALKING ABOUT GETTING ALL THE YOU KNOW WITH YOUR UNCLE AND THE PIGS ATE WELL RIGHT AND YET MAYBE IT WAS JUST EXPIRED ONE DAY

SENATOR CHRIS BARNETT: THAT'S THE FIRST TIME I TRIED A GOLDEN KIWI ACTUALLY

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: HOW MANY HOW MANY UNEXPIRED STUFF ARE IN OUR FRIDGE AND IT'S YOU KNOW SO ANYWAY WE'RE VERY SUPPORTIVE OF THIS

SENATOR CHRIS BARNETT: I DON'T KNOW WHO CAN ASK THIS BUT JUST LIKE BASED NOW WE DON'T HAVE THIS LAW RIGHT SO WHAT IS HOW WOULD YOU RATE THE GENEROSITY LEVEL OF THOSE ENTITIES THAT THAT CAN GIVE EVEN WITH THE LIABILITY IN PLACE

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: I DON'T HAVE THE EXACT DATA BUT I CAN TELL YOU THAT FOR EXAMPLE THE KARIDOT KITCHEN YOU KNOW THEY RELY ON FAMILIES OR BUSINESSES WHO ARE WILLING TO TAKE THAT RISK RIGHT TAKE THAT RISK

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BECAUSE IT'S COMING FROM A GENEROSITY'S PART OF THEIR HEART AND THEY'RE NOT TOO WORRIED ABOUT THE RISK AND SO I'M NOT SURE WHAT THE DATA IS BUT I THINK IF WE PASS THIS KIND OF LEGIS LEGISLATION WE BRING COMFORT TO THOSE WHO DO HAVE SOME HESITATION SO I'M NOT

SENATOR CHRIS BARNETT: SO YOU'RE DEFINITELY ANTICIPATING AN INCREASE IN THEM

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES:ABSOLUTELY I WOULD THINK SO YOU KNOW IT'S A GREAT WAY I REALLY BELIEVE THAT RESTAURANTS AND SHOPPING CENTER I MEAN GROCERS WANT TO DO WHAT'S RIGHT BUT THEY'RE ALSO WORRIED ABOUT THE LIABILITY SO A LOT OF PEOPLE I KNOW WOULD LOVE TO BUT YOU KNOW THEY'RE TOO SCARED THAT THEY'RE NOT PROTECTED AND SO I DON'T KNOW HOW I WOULD BE ABLE TO DO IT LIKE CHUCK SO MUCH GOOD FOOD IN THE TRASH KNOWING THAT THERE'S AROUND THE CORNER SOMEBODY HUNGRY SO YOU CHUCK THE FOOD AND THEN YOU GO BUY THEM A DINNER

SENATOR CHRIS BARNETT: RIGHT

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES: IT'S SO YEAH I MEAN AGAIN THIS BRINGS SOME COMFORT TO THOSE WHO DO HAVE SOME HESITATION SO

SENATOR CHRIS BARNETT: THANK YOU THANK YOU DIRECTOR ANYTHING ELSE ANYONE WOULD LIKE TO ADD NO ALL RIGHT THANK YOU MADAM CHAIR

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:
THANK YOU SENATOR BARNETT VICE CHAIR

VICE SPEAKER V. ANTHONY ADA, COMMITTEE VICE CHAIRPERSON:
THANK YOU MADAM CHAIR I DON'T HAVE ANY QUESTIONS I JUST LIKE TO THANK ALL OF YOU FOR COMING DOWN AND GIVING YOUR TESTIMONY AND PERHAPS STRENGTHENING THIS BILL SO THAT WE'D BE ABLE TO PUT THIS ONTO THE NEXT SESSION AGENDA AND YOU KNOW WE'D BE ABLE TO GO OUT THERE AND THESE COMPANIES AND THESE BUSINESSES OR EVEN INDIVIDUALS WILL BE A MORE WILLING TO PROVIDE NUTRITION FOR THE LESS FORTUNATE AND I THINK IT'S BILLS LIKE THIS THAT MAKES A DIFFERENCE IN OUR EVERYDAY LIVES AND HOPEFULLY THAT WE BE ABLE TO MAKE A CHANGE RIGHT I MEAN WE SEE IT IN WHEN WE GO TO THE US AND YOU KNOW YOU SEE PEOPLE GOING THROUGH THE TRASH CANS OR THE DUMPSTERS AND THERE'S NO NEED FOR THAT WHEN WE CAN PUT LEGISLATION LIKE THIS FORWARD AND BE ABLE TO HAVE THEM FED INSTEAD OF GOING THROUGH THE TRASH SO THANK YOU FOR ALL FOR YOUR TESTIMONY AND SENATOR PEREZ THANK YOU FOR INTRODUCING THIS PIECE OF LEGISLATION THANK YOU MADAM CHAIR

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SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:

THANK YOU SENATOR ADA I JUST HAD ONE QUESTION FOR PUBLIC HEALTH DO YOU FORESEE ANY ADDITIONAL STAFFING FUNDING TECHNICAL ASSISTANCE TO IMPLEMENT THIS BILL IF IT BECOMES LAW AND IF SO DO YOU HAVE A ROUGH ESTIMATE

THERESA C. ARRIOLA, DIRECTOR - DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES:

I DON'T AT THIS TIME BUT IF I DO I KNOW WHO TO COME TO BUT THAT'S SOMETHING I NEED TO THINK ABOUT IF ANYTHING IT'S MORE OF GETTING THE WORD OUT WHEN IF AND WHEN AND I THINK IT'S MORE WHEN THE BILL BECOMES LAW YOU KNOW GETTING THE WORD OUT TO THOSE ESTABLISHMENTS THAT MAY NOT BE ALREADY DONATING THEIR FOOD OR THEIR COOKED OR GOOD FOOD TO ENSURE THAT THEY'RE AWARE AND YOU KNOW OFF THE TOP OF MY HEAD THAT'S EASY LET'S I WOULD PROBABLY PARTNER WITH A LETTER WITH ALL BUSINESSES THAT HAVE A LICENSE THAT YOU KNOW AND GET THAT LETTER OUT RIGHT I MEAN THAT'S A START JUST THINKING OFF TOP OF MY HEAD WHICH YOU KNOW IT'S A LETTER AND IT'S JUST PARTNERING WITH MY COLLEAGUE AT REV AND TAX SO YOU KNOW WE CAN DO MANY THINGS TO JUST GET THE WORD OUT OTHER THAN JUST YOU KNOW SOCIAL MEDIA OR THINGS LIKE THAT BUT IF YOU WANT TO TALK ABOUT DIRECT BUSINESS AND GETTING THEM TO REALLY KNOW THAT THIS LAW IS PASSED AND YOU KNOW YOU COULD TAKE ADVANTAGE OF IT AND YOU KNOW I WOULD PARTNER WITH REV AND TAX OFF THE BAT

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:

THANK YOU MRS ARRIOLA MISS CRISOSTOMO AND MR SLIKE FOR PROVIDING TESTIMONY ON BILL 89 SENATOR PEREZ YOUR CLOSING COMMENTS

SENATOR SABINA FLORES PEREZ: THANK YOU MADAM CHAIR SO JUST WANT TO ALSO REITERATE THAT THE REGULATIONS ARE GOING TO BE THERE TO SUPPORT THIS BILL YOU KNOW HOPEFULLY IF IT PASSES RIGHT SO IT WILL BE THERE TO SUPPORT TO ENSURE THE SAFETY OF THE FOOD THAT IS BEING DONATED SO I THINK THAT'S A CAUSE FOR COMFORT FOR THOSE THAT ARE GOING TO TAKE PART IN THIS PROGRAM SO AGAIN BILL 89 38 OR THE INAFA'MAOLEK FOOD DONATION ACT AIMS TO PROMOTE FOOD SECURITY BY INCREASING FOOD DONATIONS ON GUAM YOU KNOW WE COULD FEED 20,000 PEOPLE WITH THE FOOD THAT WE ARE THROWING AWAY WHICH IS YOU KNOW IT'S A IT'S UNFORTUNATE THAT WE ARE DOING THIS AND BY ADAPTING THE BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT WE CAN HELP ADDRESS THIS FOOD INSECURITY ON GUAM BY LIMITING LIABILITY FOR THOSE THAT ARE DONATING FOOD BILL 89 38 WE THROUGH THE BILL WE CAN ACCOMPLISH VARIOUS GOALS SUCH AS PROVIDING FOOD SECURITY TO PEOPLE IN NEED ASSISTING OUR FOOD PANTRIES AND NONPROFITS AND SUPPORTING BUSINESSES

Committee Report Digest: Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Thursday, April 17, 2025, at 2:00 P.M. | Public Hearing Room, Guam Congress Building

CURBING METHANE GAS EMISSIONS AND FOSTERING AN EVEN GREATER CULTURE OF GENEROSITY THAT HAS THE POWER TO UPLIFT OUR COMMUNITY AND ISLAND AGAIN I THANK YOU SO MUCH FOR YOUR TESTIMONY AND SUPPORTS SI YU'OS MA'ASE

SENATOR SABRINA SALAS MATANANE, COMMITTEE CHAIRPERSON:

THANK YOU SENATOR PEREZ AND THANK YOU TO THE PANEL FOR TESTIFYING ON THIS IMPORTANT PIECE OF LEGISLATION AND WE ARE GOING TO MOVE ON TO THE NEXT BILL ON THE AGENDA BUT WE'RE GOING TO TAKE A TWO-MINUTE RECESS AND BE BACK AFTER THAT THANK YOU

The Public Hearing was adjourned at 4:59 P.M.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health and Veterans Affairs finds that multiple testimonies highlighted the potential benefits of the proposed legislation aimed at promoting food security by increasing food donations on Guam. It was acknowledged that the bill, seeks to support food pantries and nonprofits while also aiding businesses in curbing methane gas emissions. The Department of Public Health and Social Services expressed the importance of outreach to establishments that may not already be donating food, suggesting a partnership with local businesses and Rev and Tax to disseminate information effectively. The bill intends to limit liability for food donors by adopting provisions from the federal Emerson Good Samaritan Food Donation Act, thus encouraging greater participation.

The Committee on Health and Veterans Affairs findings suggest that Bill 89 could significantly address food insecurity by feeding people with food that would otherwise be wasted, and the recommendations include strategic outreach and regulatory measures to maximize the bill's effectiveness.

The Committee on Health and Veterans Affairs hereby reports out on **Bill No. 89-38 (COR) - AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.**

with a recommendation _____ to report out only _____.

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 89-38 (COR)

Introduced by:

Sabina Flores Perez *SFP*
V. Anthony Ada *VA*
Shelly V. Calvo *SC*
Chris Barnett *CB*
Therese M. Terlaje *TMT*

**AN ACT TO *ADD* A NEW CHAPTER 40A TO DIVISION
2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO
CLARIFYING PROTECTIONS FROM LIABILITY FOR
FOOD DONATIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that, according to the U.S. Food & Drug Administration (FDA), large amounts of food waste consist of wholesome, edible food and “food is the single largest category of material placed in municipal landfills and represents wasted nourishment that could have helped feed families in need.” The U.S. Environmental Protection Agency (U.S. EPA) “estimates that in 2019, the food retail, food service, and residential sectors generated about 66 million tons of wasted food in the United States” and “in 2022, 12.8 percent of U.S. households (44.2 million people) were food insecure at some time during the year.” The EPA considers donating wholesome and edible food as one of the top methods to reduce food waste nationwide.

1 *I Liheslatura* finds that organic waste disposed in landfills emit high amounts
2 of methane, a greenhouse gas that traps heat in the atmosphere and contributes to
3 climate change. Municipal solid waste landfills are the third largest source of
4 methane emissions from human activities in the United States, with an estimated
5 58% of the emissions derived from food waste.

6 *I Liheslatura* finds that a 2020 Food Waste and Recovery study conducted by
7 Jacobs Engineering Group, Inc. estimated that 20,000 tons of food waste, which
8 were derived from grocery stores, restaurants, and hotels alone, were landfilled per
9 year on Guam. The study noted that if this food were recovered and diverted from
10 the landfilled, the amount could feed around 12% of Guam’s population or 20,000
11 people.

12 *I Liheslatura* finds that in 2023, cuts to the Supplemental Nutrition Assistance
13 Program (SNAP) benefits worth over \$2 million monthly affected more than 11,441
14 households in Guam, thus exacerbating food insecurity and increasing the demand
15 for food from non-profit providers and food banks. According to the Food Research
16 and Action Center, “emergency food providers are struggling to fill this gap. Even
17 before the cuts, food banks, pantries, and soup kitchens reported high demand for
18 assistance.”

19 *I Liheslatura* finds that the Bill Emerson Good Samaritan Food Donation Act
20 was passed by the U.S. Congress in 1996 to promote food donations to the needy
21 and to protect food donors from civil and criminal liabilities. Since then, all fifty
22 states have food donation statutes that limit liability to promote the donation of
23 wholesome and edible food from qualified donors to nonprofits or directly to those
24 in need. The Bill Emerson Good Samaritan Food Donation Act is currently not
25 codified in the Guam law, possibly creating uncertainty surrounding specific liability
26 protections for local donors and clear safety guidelines regarding food donations in
27 Guam.

1 *I Liheslatura* further finds that the Internal Revenue Code 170(e)(3) of 2011
2 provides tax deductions to qualified businesses for the donation of wholesome food
3 to nonprofit organizations that serve the ill, needy, or infants. Qualified donors can
4 deduct the cost to produce the food and half the difference between the cost and the
5 full fair market value of the donated food, making donating food a win-win for
6 businesses and the community.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to promote food recovery
8 programs that increase food security, divert food waste from landfills, mitigate
9 climate change, and support businesses through tax deductions by adopting and
10 expanding the U.S. Good Samaritan Food Donation Act, hereby renamed the
11 “Inafa’maolek Food Donation Act,” to clarify liability protections for food donors
12 and to require education about food donation liability protections during routine
13 health inspections.

14 **Section 2.** A new Chapter 40A is *added* to Division 2 of Title 10, Guam
15 Code Annotated, to read as follows:

16 **“CHAPTER 40A**

17 **INAFAMAOLEK FOOD DONATION ACT**

18 § 40A101. Short Title.

19 § 40A102. Definitions.

20 § 40A103. Exemptions from Liability for Certain Food Donations.

21 § 40A104. Partial Compliance.

22 § 40A105. Promoting Food Donation.

23 § 40A106. Construction.

24 **§ 40A101. Short Title.**

25 This Chapter shall be known as the “Inafa’maolek Food Donation Act.”

26 **§ 40A102. Definitions.**

27 For the purpose of this Act:

1 (a) “Apparently fit grocery product” means a grocery product that
2 meets all quality and labeling standards imposed by Federal, State, and local
3 laws and regulations (Guam Food Code) even though the product may not be
4 readily marketable due to appearance, age, freshness, grade, size, surplus, or
5 other conditions.

6 (b) “Apparently wholesome food” means food that meets all quality
7 and labeling standards imposed by Federal, State, and local laws and
8 regulations (Guam Food Code) even though the food may not be readily
9 marketable due to appearance, age, freshness, grade, size, surplus, or other
10 conditions.

11 (c) “Department” means the Department of Public Health and
12 Social Services.

13 (d) “Donate” means to give without requiring anything of monetary
14 value from the recipient, except that the term shall include giving by a
15 nonprofit organization to another nonprofit organization, notwithstanding that
16 the donor organization has charged a nominal fee to the donee organization,
17 if the ultimate recipient or user is not required to give anything of monetary
18 value.

19 (e) “Food” means the definition pursuant to § 40102 (d), Chapter 40,
20 Title 10 of the Guam Code Annotated.

21 (f) “Gleaner” means a person who harvests for free distribution to
22 the needy, or for donation to a nonprofit organization for ultimate distribution
23 to the needy, an agricultural crop that has been donated by the owner.

24 (g) “Grocery Product” means a nonfood grocery product, including
25 a disposable paper or plastic product, household cleaning product, laundry
26 detergent, cleaning product, or miscellaneous household item.

1 (h) “Gross Negligence” means voluntary and conscious conduct
2 (including a failure to act) by a person who, at the time of the conduct, knew
3 that the conduct was likely to be harmful to the health or well-being of another
4 person.

5 (i) “Intentional Misconduct” means conduct by a person with
6 knowledge (at the time of the conduct) that the conduct is harmful to the health
7 or well-being of another person.

8 (j) “Nonprofit Organization” means the definition pursuant to §
9 16102 (d), Chapter 16, Title 7 of the Guam Code Annotated.

10 (k) “Person” means an individual, corporation, partnership,
11 organization, association, or governmental entity. In the case of a corporation,
12 partnership, organization, association, or governmental entity, the term
13 includes an officer, director, partner, deacon, trustee, council member, or
14 other elected or appointed individual responsible for the governance of the
15 entity.

16 (l) “Qualified direct donor” means a retail grocer, wholesaler,
17 agricultural producer, agricultural processor, agricultural distributor,
18 restaurant, caterer or school food authority, or institution of higher education.

19 **§ 40A103. Exemptions from Liability of Certain Food Donations.**

20 (a) Liability of person or gleaner. A person or gleaner shall not be
21 subject to civil or criminal liability arising from the nature, age, packaging, or
22 condition of apparently wholesome food or an apparently fit grocery product
23 that the person or gleaner donates in good faith to a nonprofit organization for
24 ultimate distribution to needy individuals at zero cost.

25 (b) Liability of nonprofit organization. A nonprofit organization
26 shall not be subject to civil or criminal liability arising from the nature, age,
27 packaging, or condition of apparently wholesome food or an apparently fit

1 grocery product that the nonprofit organization received as a donation in good
2 faith from a person or gleaner for ultimate distribution to needy individuals at
3 zero cost.

4 (c) Direct donations to needy individuals. A qualified direct donor
5 shall not be subject to civil or criminal liability arising from the nature, age,
6 packaging, or condition of apparently wholesome food or an apparently fit
7 grocery product that the qualified direct donor donates in good faith to a needy
8 individual at zero cost.)

9 (d) Exception. Paragraphs (a), (b), and (c), shall not apply to an
10 injury, illness, or death of an ultimate user or recipient of the food or grocery
11 product that results from an act or omission of the person, gleaner, or nonprofit
12 organization, as applicable, constituting gross negligence or intentional
13 misconduct.

14 (e) A person who allows the collection or gleaning of donations on
15 property owned or occupied by the person by gleaners, or paid or unpaid
16 representatives of a nonprofit organization, for ultimate distribution to needy
17 individuals shall not be subject to civil or criminal liability that arises due to
18 the injury or death of the gleaner or representative, except that this paragraph
19 shall not apply to an injury or death that results from an act or omission of the
20 person constituting gross negligence or intentional misconduct.

21 **§ 40A104. Partial Compliance.**

22 If some or all of the donated food and grocery products do not meet all
23 quality and labeling standards imposed by Federal, State, and local laws and
24 regulations, the person or gleaner who donates the food and grocery products
25 shall not be subject to civil or criminal liability in accordance with this section
26 if the nonprofit organization or ultimate user that receives the donated food or

1 grocery products is informed by the donor of the distressed or defective
2 condition of the donated food or grocery products.

3 **§ 40A105. Promoting Food Donations.**

4 In implementing this Chapter, the Department of Public Health and
5 Social Services may promote the recovery of food fit for human consumption
6 through methods such as but not limited to outreach, online educational
7 campaigns, newsletters, bulletins, and handouts that inform retail food facility
8 operators about the protections from civil and criminal liability when donating
9 food.

10 **§ 40A106. Construction.**

11 This Section shall not be construed to create any liability. Nothing in
12 this Section shall be construed to supersede local health regulations.”

13 **Section 3. Rules and Regulations.** The Director of the Department of
14 Public Health and Social Services shall promulgate rules and regulations to
15 implement this Section pursuant to the Administrative Adjudication Act.

16 **Section 4. Severability.** If any provision of this Act or its application to any
17 person or circumstance is found to be invalid or inorganic, such invalidity shall not
18 affect other provisions or applications of this Act that can be given effect without
19 the invalid provision or application, and to this end the provisions of this Act are
20 severable.

21 **Section 5. Effective Date.** This Act shall be effective upon enactment.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

March 25, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 89-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 89-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 89-38 (COR)

AN ACT TO ADD A NEW CHAPTER 40A TO DIVISION 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CLARIFYING PROTECTIONS FROM LIABILITY FOR FOOD DONATIONS.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Public Health & Social Services	Dept./Agency Head: Theresa C Arriola, Director
Department's General Fund (GF) appropriation(s) to date: Operations (\$58,150,402); Health Insurance Premiums for Foster Children (\$2,359,215); Child Protective Services Program (\$2,220,129); Bureau of Social Services Administration (\$7,558,215); Miscellaneous Appropriation for Grants for Homelessness (\$500,000)	\$70,787,961
Department's Other Fund appropriation(s) to date: Environmental Health Fund (\$1,415,223); Health Professional Licensing Office Revolving Fund (\$338,801); Office of Vital Statistics Revolving Fund (\$225,014); DPHSS Sanitary Inspection Revolving Fund (\$424,986); Healthy Futures Fund for Guam Cancer Registry (\$389,144)	\$2,793,168
Total Department/Agency Appropriation(s) to date:	\$73,581,129

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2024 Unreserved Fund Balance		\$0	\$0
FY 2025 Adopted Revenues	\$0	\$0	\$0
FY 2025 Appro. (P.L. 37-125)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2025 (if applicable)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes / X / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / / No
If no, what is the additional amount required? \$ / X / N/A
3. Does the Bill establish a new program/agency? / / Yes / X / No
If yes, will the program duplicate existing programs/agencies? / X / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / X / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / X / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No
/ X / Requested agency comments not received by due date / / Other:

Analyst: 	Date: 03/24/2025	Director: 	Date: MAR 25 2025
Tyler Bautista, BMA II		Lester L. Carlson, Jr., Director	

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 89-38 (COR)

The proposed legislation intends to *add* a new Chapter 40A to Division 2, Title 10, Guam Code Annotated relative to clarifying protections from liability for food donations, also known as, the “*Inafa’maolek* Food Donation Act.”

The proposed legislation seeks to exempt from liability any person or gleaner, nonprofit organization, and qualified direct donors from civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or apparently fit grocery product that has been donated in good faith for ultimate distribution to needy individuals at no cost. The proposed legislation also stipulates that property owners who allow the collection or gleaning of donations on their property for ultimate distribution to needy individuals shall not be subject to civil or criminal liability arising from injury or death of the gleaner. Additionally, a person or gleaner who donates food or grocery products will not be subject to civil or criminal liability if some or all of donated items do not meet the quality and labeling standards imposed by federal, state, and local laws, as long as the ultimate user and/or recipient of such products are informed by the donor of the distressed or defective condition of the donated food or grocery products. Note, the aforementioned exemptions from liability shall not apply to an injury, illness, or death resulting from an act or omission constituting gross negligence or intentional misconduct.

Further, the proposed legislation authorizes the Department of Public Health and Social Services (DPHSS) to promote the recovery of food fit for human consumption through methods such as but not limited to outreach, online educational campaigns, newsletters, bulletins, and handouts that inform retail food facility operators about the protections from civil and criminal liability when donating food. If enacted, the Director of DPHSS shall promulgate rules and regulations to implement the *Inafa’maolek* Food Donation Act pursuant to the Administrative Adjudication Act.

Although mainly administrative in nature, absent correspondence from the DPHSS relative to the associated costs of implementing this Act to include promoting food donations via outreach, online campaigns and printouts, the Bureau is unable to determine a financial impact at this time.