



BUREAU OF WOMEN'S AFFAIRS

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Statement by Bureau of Women's Affairs Director Jayne Flores on introduction of "Guam Heartbeat Act of 2022"

"We are extremely disappointed with the introduction of Bill 291-36, 'The Guam Heartbeat Act of 2022.' It is a pro-VOTE bill, not a pro-life bill. This type of legislation always rears its ugly, divisive head during a gubernatorial election year, in an attempt to divide our community.

"It is also moot legislation because we do not currently have any doctors on Guam who perform abortions, or any doctors on Guam that provide medically induced abortions, that BWA is aware of.

"Women have the right to confidential, affordable, and unrestricted access to the full range of reproductive health care options available in 2022, including the option to terminate a pregnancy. A woman has the right to decide what is best for her own health, and that includes the right to control what happens within her own body. It is a decision that she should make, in consultation with whoever SHE trusts and deems important to make it with her. It is not something that the government, or anyone else, should decide.

"If we really want to be pro-life, we as a community need to worry about the children on THIS side of the womb - children like the 5-year-old boy who died recently because of neglect.

"Being 'pro-life' is addressing the nearly 2,000 children in our foster care system. The sponsors of 'The Guam Heartbeat Act' should focus their 'pro-life' efforts on the following:

- Improving, expanding, or establishing social programs to make raising children easier and more affordable;
- Bringing Guam families out of poverty;
- Ensuring that contraception is accessible and affordable on island. One of the main ways to prevent abortion is to provide accessible birth control options in a community.
- Addressing the underlying causes of our drug and alcohol addiction problems and the crimes they create. We have high rates of sexual assault and domestic violence related to these addictions.

"April is Sexual Assault Awareness Month. Ironically, 'The Guam Heartbeat Act' makes no exception for victims of rape or incest. It negates every single piece of legislation this legislature has passed that

purports to be ‘in support of sexual assault victims.’ The sponsors are in effect saying to victims of sexual assault, ‘We don’t care about what happened to you.

“BWA inquires of the five sponsors of ‘The Guam Heartbeat Act of 2022’:

How do you think this bill is going to work? Private individuals are not trained in enforcement the way that state actors are. When you put enforcement authority in the hands of the public, you are giving private rights of action to individuals who are not accountable for meeting any enforcement standards, and essentially guaranteeing abuse of the process.

“With regard to the Texas law upon which this bill is based, it has been declared unconstitutional in district court because of the enforcement mechanism – having private individuals sue others without having suffered harm themselves. The sponsors of this legislation criticize alleged violations of constitutional rights during the pandemic but fully embrace such violations when it comes to a woman’s right to choose AND appropriate access to courts.

“There is also the issue of HIPAA – the Health Insurance Portability and Accountability Act. Abortion is a medical procedure, and disclosing it is a HIPAA violation. Yet according to the bill, a physician performing an abortion to preserve the health of the pregnant woman must ‘execute a written document that specifies the medical condition of the pregnant woman that the abortion is asserted to address...’ Will the physician have to produce this document to someone who files a civil suit against the physician? That is a HIPAA violation, as is the reporting requirement of the bill.

“In our view, Bill 291 is a ridiculous piece of legislation, simply a ploy to get votes, and even more simply: unacceptable for our community of Guam or any other community.”

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