

**10 GCA HEALTH AND SAFETY  
CH. 34 KEEPING ANIMALS**

**CHAPTER 34  
KEEPING ANIMALS**

**SOURCE:** Repealed and reenacted by P.L. 15-096:10 (Jan. 26, 1980) as Chapter VI, Subchapter O (§§ 9640-9640.27) of Title X of the Government Code. Articles 1 and 2 repealed and reenacted to this chapter by P.L. 22-013:1 (May 7, 1993). All source references in this article will refer to the law as enacted by P.L. 22-013:1, and any amendments thereafter.

**NOTES:** The functions of the Department of Public Health and Social Services in Articles 1 and 3 were transferred to the Department of Agriculture by P.L. 26-76:57. References to Director and Department of Public Health and Social Services changed to Director and Department of Agriculture in Articles 1 and 3.

- Article 1. Control and Licensing of Pets.
- Article 2. Humane Treatment of Animals.
- Article 3. Quarantine.
- Article 4. Animal Assisted Interventions.

**ARTICLE 1  
CONTROL AND LICENSING OF PETS**

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**§ 34101. Definitions.**

For purposes of this Article:

(a) “Euthanasia” means putting an animal to death by drug in a manner provided by regulation of the Department of Agriculture (the Department).

(b) “Impoundment” means strict confinement under restraint by leash, cage or paddock upon premises specified by order of the Director of Agriculture (the “Director”).

(c) “Officer” means a member of the Guam Police Department, a Mayor of Guam, or a person authorized by the Director.

(d) “Person” means any natural person, association, partnership, firm, corporation or any government entity.

(e) “Pet” means a cat or dog.

(f) “Pet owner” means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any pet to remain on premises occupied by that person or legal entity.

(g) “Running at large” means any dog that

(1) is not restrained on private property in a manner that physically prevents the dog from leaving that property or reaching any public areas; or

(2) when on public property, or any public area, is not restrained by a leash, tether or other physical control device not to exceed eight (8) feet in length and under the physical control of a capable person.

(h) “Unlicensed pet” means any pet not exempted under the provisions of this Article for which the license for the current year has not been issued or to which the license tag is not attached.

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(i) "Department" means the Department of Agriculture.

(j) "Director" means the Director of Agriculture.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Amended by P.L. 28-111:1 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.

**§ 34102. Pet License Required.**

No person shall own a pet unless it is licensed and wearing a license tag as provided by this Article. This shall not apply to pets under the age of three (3) months, pets in quarantine or pets brought into Guam for a temporary term not to exceed one (1) month for the exclusive purpose of entering such pets in a show or exhibition.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34103. Pet License.**

(a) Each pet shall be licensed by its owner.

(b) The license shall be valid for three (3) years from the date of issue if the pet has received a three (3) year rabies vaccination at the time of issuance. Otherwise, the license shall be valid for the time remaining on the rabies certificate plus a forty-five (45) day grace period.

(c) The owner of a pet imported into Guam shall have thirty (30) days to obtain the prescribed license. Pets exempted by § 34102 of this Article shall be licensed when such exemption expires.

(d) The fee shall be established by the Director. The full fee shall be paid for any fraction of the year for which a license is issued.

(e) A pet license is not transferable to another pet. The license number shall be assigned to the pet and shall remain with the animal upon transfer to another owner for the life of the license.

(f) A penalty to be established by regulation shall be charged for late renewal of a license.

(g) Any penalty shall be in addition to the applicable license fee and payable at the time of the issuance.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Subsection (b) amended by P.L. 28-163:1 (Jan. 4, 2007).

**§ 34104. Seeing-Eye and Hearing-Aid Dogs.**

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A blind or deaf person owning a dog trained to aid the blind or deaf, commonly called a seeing-eye or hearing-aid dog, shall be exempted from payment of any license fee.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34105. Issuance and Description of License.**

All licenses for pets shall be issued by the Department upon payment of the fee. The license shall be in such form as the Director shall approve and shall include the following

- (a) The name and address of the owner;
- (b) The expiration date of the license;
- (c) The date of payment;
- (d) The breed, age, sex, sterilization status (whether spayed or neutered) and color of the pet;
- (e) The serial number of the tag issued for such pet;
- (f) The date of rabies vaccination, vaccine expiration date, the type, manufacturer's name and serial number of the vaccine lot used.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34106. Description of the Pet License Tag.**

A tag in such form and design as prescribed by the Director, stating the serial number of the tag and the license year, shall be issued with each license. The tag shall be attached to a collar around the neck of, or to a harness worn by the pet for which the license tag was issued, except when the pet is displayed in an exhibition or show. It shall be unlawful for any person to attach a license tag to the collar or harness of any pet except the pet which is described in the application for such license tag.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34107. Replacement of Pet License Tag.**

If any license tag is lost, mutilated or stolen, the pet owner to whom such tag was issued shall be entitled to receive a replacement by presenting to the Department satisfactory proof that such tag was lost, mutilated or stolen. A substitute tag shall be issued upon payment of a fee equal to one-half (1/2) the annual license fee.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34108. Rabies Vaccination.**

A pet license shall be issued only upon presentation of a valid certificate of vaccination against rabies providing immunity during the period of licensure and signed by a licensed veterinarian. The type and quantity of rabies vaccine utilized to vaccinate pets within Guam and accepted duration of immunity produced by such vaccine shall be determined by regulation specified by the Director.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34109. Vicious Pet.**

Any pet which, while running at large, has bitten a person or persons two (2) or more times may be declared to be a vicious pet and ordered confined or destroyed by the Director.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34110. Immediate Menace.**

It shall be lawful for any officer, if there are no other readily available means of bringing the pet under control, to kill any pet that constitutes an immediate menace to any person. The officer shall turn the carcass of the pet over to the Department as soon as possible for examination as determined by the Director, and compile a written report and submit to the Director describing the event leading to the killing if said pet was licensed.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34111. Persons Attacked by Animal.**

Any person who is attacked by a pet or animal or any person witnessing any such attack may kill such pet or animal while so attacking or thereafter. Such person shall notify the Department immediately of such killing and remain with the carcass until an officer takes possession of the carcass. The carcass shall be immediately delivered to the Department for examination.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34112. Pet Trespassing on Private Property.**

(a) Any person who shall observe a pet to be trespassing on land or premises not owned or possessed by owner of the pet shall report such trespass to the Pet Control Unit.

(b) It shall be unlawful for any person to kill a pet not owned by him except in any of the following cases or as otherwise provided in this Article

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(1) The pet is found in the act of killing, wounding or persistently pursuing livestock or poultry on land or premises not owned or possessed by the pet owner;

(2) The person has such proof as conclusively shows that the pet has recently engaged in killing or wounding his livestock or poultry on land or premises owned by him.

(c) Any person killing or injuring a pet pursuant to action taken by him as authorized under any section of this Article shall not incur any financial liability to the owner of such pet.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**2017 NOTE:** Subsection designation added pursuant to 1 GCA § 1606.

**§ 34114. Damages by Pet Owner Liable.**

If a pet shall injure any person or damage any person or property, the pet owner shall be liable to the extent that his negligence was the proximate cause of such injury or damage.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34115. Pet Control Unit.**

The Department shall maintain a Pet Control Unit. The Pet Control Unit shall maintain a pound, provide and carry out a territory-wide plan to collect and place under observation biting pets, reduce the number of pets running at large and, upon request, collect and dispose of humanely any sick, aged, injured or unwanted small animal. The Mayors of Guam shall have the concurrent responsibility within their respective jurisdiction for collecting all pets running at large and turning them over to the Pet Control Unit. At the discretion of the Director or his designated representative, a biting pet may be confined by the owner of such pet in accordance with regulation adopted by the Director.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34116. Dog Running at large, Impoundment, Holding Period, Sterilization and Adoption.**

(a) It shall be unlawful for any dog owner to negligently allow a dog owned by him to run at large.

(b) Any pet over three (3) months old that is not licensed as required by § 34102 of this Article or any dog that is not wearing a current tag in

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accordance with § 34106 of this Article or any dog that is running at large shall be apprehended and impounded or disposed of in accordance with regulations adopted by the Director.

(c) The owner, as shown on the license, of any licensed pet that has been impounded shall be notified of such impoundment and that the pet, if not claimed within ten (10) days after such notification, may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed. Such notice may be delivered personally to the owner, let at his place or residence in Guam, or sent by regular mail to his last known address, or informed by telephone or fax to the number(s) as shown on the license. At the end of ten (10) days after notification, any licensed pet not claimed may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed.

(d) Any unlicensed pet that has been impounded shall be kept for three (3) days and may be claimed by the owner by obtaining a license as provided in this Article and paying for the costs for care and keep. At the end of three (3) days after impoundment, any such pet not claimed may be given for adoption or humanely destroyed.

(e) A per diem charge to be fixed annually by the Director on the basis of operating costs shall be charged for every day, or part thereof, for any pet, kept in the pound. Such charge shall be borne by the owner of the impounded pet, if known, and shall be included in costs to any claimant.

(f) All pets over the age of six (6) months given for adoption shall be sterilized before being released to new owners. Any expense incurred for such operations or vaccinations shall be included with the costs of care and keep and borne by the new owner.

(g) No dog or cat under the age of six (6) months to be given for adoption shall be released without a written agreement from the adopter guaranteeing that such animal will be sterilized. A deposit of at least Seventy-Five Dollars (\$75) must be paid at the time of adoption of a dog, and Fifty Dollars (\$50) for a cat to guarantee for sterilization. Failure to perform the sterilization shall be a forfeiture of the amount deposited and the animal shall be returned to the pound.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Subsection (a) amended by P.L. 28-108:2 (Apr. 14, 2006).

**§ 34117. Impoundment.**

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The Director may impound and hold at the facility any pet that is the subject of a violation of this Article, any pet that requires protective custody and care because of mistreatment or neglect by its owner, or a pet that the Superior Court orders him to impound. The Director may authorize the destruction of the impounded pet as provided in this Article, or may return the pet to its owner, or may order the pet given up for adoption, as the Director determines to be in the best interests of the pet and the public. The owners of any pets returned to them shall be assessed a per diem fee for the animal's care based on the facility's operating costs.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Repealed and reenacted by P.L. 28-176:1 (Jan. 29, 2007).

**§ 34118. Facility Operation.**

(a) The Director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine pets delivered to the Director's custody under provisions of this Article and such facility shall be reasonably accessible to the public.

(b) The Director may contract the operation of the shelter to any qualified non-profit private organization. If the Director so contracts, the private non-profit organization must operate the facility so as to conform to the provisions provided herein. Pet control shall remain the sole responsibility of the Department of Agriculture.

(c) The enactment of any provision of this Article shall not be cause for reduction of personnel in the Pet Control Unit.

(d) The Director shall provide that a licensed veterinarian attend to the pets at the facility as necessary.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34119. Minimum Standards.**

The Director shall prescribe the minimum standards for humane pet care set forth in this Article.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34120. Authority to Kill Pets Running At Large.**

It shall be unlawful to shoot or otherwise kill any pet which has bitten or is believed to have bitten any person except to prevent further attack by the pet or to prevent otherwise unavoidable escape of the pet. In every other case, however, officers may apprehend pets running at large by any means



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deemed reasonably necessary under the circumstances and provided for in regulations specified by the Director. When the Director shall determine that the use of poison baits are necessary to reduce the number of pets running at large, the following guidelines shall be observed

(a) Poison baits may be placed on private property only upon written consent of the owner or tenant of such property;

(b) baits may, after public announcement, be placed on public lands within a municipality only with the written consent of the Mayor of that municipality or during a public health emergency due to rabies.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34121. Authority of officers.**

(a) All officers shall have authority as peace officer to the extent necessary to enable them to discharge all duties assigned to them by law.

(b) Any officer is authorized to enter upon any private premises, and is authorized to remove any pet from public or private property, if that officer has reason to believe that the pet or its owner is in violation of any provisions of this Chapter. Any pet so removed shall be impounded and delivered to the pound.

(c) Any officer may issue a citation of violation as provided in §§ 25.10 through 25.50 of Title 8, Guam Code Annotated.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34122. Wrongful Interference with Officers.**

Any person resisting or obstructing an officer in the exercise of his duties as provided in this Article shall be guilty of a misdemeanor and punished as prescribed in § 34124 of this Article.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34123. Establishment of the ‘Stray Dog Revolving Fund.’**

There is hereby established a restricted fund account called the ‘Stray Dog Revolving Fund’, which shall be used by the Department to purchase equipment and supplies for the effective implementation and enforcement of Articles 1 and 2 of this Chapter. All fees and revenues collected by the Department of Agriculture pursuant to Articles 1 and 2 of this Chapter and all fines imposed pursuant to Articles 1 and 2 of this Chapter shall be

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deposited into the ‘Stray Dog Revolving Fund’. The Director of Agriculture shall administer the Fund for the purposes provided herein.”

**SOURCE:** Repealed and reenacted by P.L. 28-108:4 (Apr. 14, 2006).

**2017 NOTE:** This section was originally entitled “*Disposition of Money Collected*,” as added by P.L. 22-013. Repealed by P.L. 28-108:4 (Apr. 14, 2006).

**§ 34124. Penalties.**

(a) Violation of § 34122 of this Article shall be punishable by imprisonment not to exceed one (1) year or by a fine not to exceed One Thousand Dollars (\$1,000) or both.

(b) Violation of any other provision of this Article which provides that certain conduct shall be unlawful shall be punishable by a fine not less than Fifty Dollars (\$50), or by imprisonment not to exceed six (6) months, or both.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**2017 NOTE:** Subsection designations added pursuant to authority of 1 GCA § 1606.

**§ 34125. Penalties for Violation of Articles 1 and 2.**

Notwithstanding the penalties created by § 34124, violations of Articles 1 and 2 of this Chapter shall be punished by a fine to be imposed on the pet owner of not less than \$25 for the first offense, \$50 for a second offense, and \$100 for a third and subsequent offense. The pet owner shall also pay all applicable costs, such as vaccination, licensing and the per diem fee for impoundment.

**SOURCE:** Added by P.L. 28-108:3 (April 14, 2006).

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**ARTICLE 2**

**PERMITS FOR ANIMAL FACILITIES, HUMANE ANIMAL CARE.**

**SOURCE:** Article 2 was repealed in its entirety and reenacted by P.L. 22-013:2 (May 7, 1993).

- § 34201. Definitions.
- § 34202. Permits.
- § 34203. Permit Issuance and Revocation.
- § 34204. Confinement.

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- § 34205. Animal Care.
- § 34206. Keeping of Wild Animals.
- § 34207. Performing Animal Exhibitions.
- § 34208. Animal Waste.
- § 34209. Authority of Officers and Directors.
- § 34210. Penalties.

**§ 34201. Definitions.**

For purposes of this Article:

(a) “Animal” means any live non-human vertebrate creature, domestic or wild;

(b) “Animal shelter” means any facility operated by a humane society, the government of Guam or their authorized agents for the purpose of caring for animals held under the authority of this Article;

(c) “Auctions” mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This does not apply to individual sales of animals by owners;

(d) “Circus” means a commercial variety show featuring animal acts for public entertainment;

(e) “Commercial animal establishment” means a pet shop, grooming shop, auction, riding school or stable, zoological park, circus performing animal exhibition, animal quarantine facility or kennel;

(f) “Grooming shop” means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;

(g) “Officer” means a member of the Guam Police Department, a Mayor or a person authorized by the Director of Agriculture (the "Director");

(h) “Kennel” means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, or any premises in a non-agricultural zone area upon which five (5) or more adult dogs or cats are harbored or kept;

(i) “Owner” means any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be

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deemed to be harbored if it is fed or sheltered three (3) consecutive days or more;

(j) “Performing animal exhibition” means any spectacle, display, act or event other than circuses in which performing animals are used;

(k) “Pet” means any animal kept for pleasure rather than utility;

(l) “Pet shop” means any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal;

(m) “Public nuisance” means any animal that:

(1) Molests passersby or passing vehicles;

(2) Attacks other animals;

(3) Trespasses on school grounds;

(4) Is repeatedly at large; or

(5) Damages private or public property;

(n) “Restraint” means any animal secured by a leash or lead or under the control of a responsible person and obedient to that person’s commands or within the real property limits of its owner;

(o) “Riding school or stables” mean any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro;

(p) “Veterinary hospital” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals;

(q) “Vicious animal” means any animal that constitutes a physical threat to human beings or other animals;

(r) “Wild animal” means any animal which is not commonly domesticated, or which is not native to Guam, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or contained in a safe and secure manner;

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(s) “Zoological parks” means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency;

(t) “Permitting authority” means the Department of Agriculture (the Department) which shall be the permitting authority for purposes of this Article.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Amended by P.L. 28-111:2 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.

**§ 34202. Sanitary Permits.**

(a) No individual, partnership or corporation, or any other group or combination acting in concert shall operate a zoo, pet shop, kennel, animal shelter, veterinary hospital or other commercial animal establishment, or which imports, exports, exhibits, sells, boards or otherwise exposes the public to live animals without first obtaining a sanitary permit to operate, and shall conduct such enterprise in compliance with this section and any regulations specified by the Director. An exception to this provision may be made for kennels on land which is zoned as agricultural.

(b) The Department shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article.

(c) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the permitting authority, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall coincide with business license period and run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to expiration. Application for permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time.

(e) Every facility regulated by this Article shall be considered a separate enterprise and requires an individual permit.

(f) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

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(g) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of Two Hundred Dollars (\$200). Each day of violation is a separate offense.

(h) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

(i) The permit required in this section shall be in addition to the business license required for the business to operate.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34203. Permit Issuance and Revocation.**

(a) The permitting authority may revoke any permit if the person holding the permit refuses or fails to comply with this Article, the regulations promulgated by the permitting authority or any law governing the protection and keeping of animals.

(b) Any person whose permit is revoked shall, within ten (10) days thereafter, appropriately dispose all animals owned, kept or harbored and no part of the permit fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the permitting authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the permitting authority shall refuse to issue a permit.

(e) No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a Ten Dollar (\$10) fee.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34204. Confinement.**

(a) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

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(b) Every vicious animal, as determined by the Department, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever the animal leaves the premises of its owner.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34205. Animal Care.**

(a) *No* person who has an animal or animals in his custody or control *shall* fail to provide the animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, space to exercise, an area which is reasonably clean and free of excrement which may be injurious to the health of the animal(s), veterinary care when needed to prevent suffering, and with other humane care and treatment as necessary to preserve the health and well-being of the animal(s).

(b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

(f) *Only* a licensed veterinarian shall perform ear cropping or tail docking on an animal, which shall be performed in accordance with the American Veterinarian Medical Association policy, and the veterinarian shall counsel pet owners about this matter before agreeing to perform these surgeries and shall record said consultation in the pet's record.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Subsection (d) added by P.L. 29-096:2 (July 22, 2008) . Renumbered to subsection (f) by the Compiler as subsections (d) and (e) already exist. Subsection (a) amended by P.L. 31-005:2 (Mar. 9, 2011).

**§ 34206. Keeping of Wild Animals.**

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply for zoological parks, performing animal exhibitions or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The permitting authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34207. Performing Animal Exhibitions.**

(a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(b) All equipment used on performing animals shall fit properly and in good working condition. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private properties.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34208. Animal waste.**

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private properties.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

**§ 34209. Authority of Officers and Director.**

(a) Any peace officer may issue a citation of violation as provided in Title 8 GCA §§ 25.10 through 25.50.

(b) The Director may impound any pet or wild animal that is the subject of a violation of this Article, any pet or wild animal that requires protective custody and care because of mistreatment or neglect by its owner, or a pet or wild animal that the Superior Court orders him to impound.



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(c) The Director may authorize the destruction of the animal, or may return a pet to its owner or may order the animal given up for adoption, or make any other disposition as the Director determines is required by this Article and by the best interests of the animal and the public. The Director may assess a per diem fee based on the facility's operating costs to anyone who receives the animal.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993). Repealed and reenacted by P.L. 28-176: 2 (Jan. 29, 2007).

**§ 34210. Penalties.**

(a) Except as otherwise provided herein, any person violating any provision of this Article shall be deemed guilty of a violation and shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). If any violation be continuing, each day's violation shall be deemed a separate violation.

(b) The provisions of this Article shall not apply to any operator of a greyhound racing track nor to any greyhound racing dog so long as such greyhound is subject to regulation by the Department of Revenue and Taxation.

**SOURCE:** Repealed and reenacted by P.L. 22-013:1 (May 7, 1993).

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**ARTICLE 3  
QUARANTINE**

**SOURCE:** Article 3 added by P.L. 22-013:1 (May 7, 1993).

- § 34301. Definitions.
- § 34302. Rabies Prevention.
- § 34303. Observation of Suspected Dogs.
- § 34304. Examination of Impounded or Quarantined Dogs for Rabies.
- § 34305. Rabies Outbreak.
- § 34306. Violations and Penalties.
- § 34307. Creation of Rabies Prevention Fund.

**§ 34301. Definitions.**

For purposes of this Article:

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(a) *Carrier* means any individual, partnership, corporation *or* any other group *or* combination acting in concert which *shall* transport any animal into, through *or* upon Guam.

(b) *Designated inspection area* means an area designated by the Director of the Department of Agriculture.

(c) *Dog or cat* means domestic species of dogs and cats only. Nothing in this Act *shall* allow for the importation of pet wolves, foxes, skunks, raccoons, civets, hyenas, weasels, and wolverines, animals of the Order Marsupialia, including opossums, koalas, kangaroos *or* animals of the Order Chiroptera, including bats.

(d) *Impoundment* means strict confinement under restraint by leash, cage *or* paddock upon premises specified by order of the Director.

(e) *International Unit* (I.U.) means a unit of measure agreed upon by scientists of a field.

(f) *Officer* means a member of the Guam Police Department, a Mayor of Guam, *or* a person authorized by the Director.

(g) *OIE-FAVN* means the World Organization for Animal Health Fluorescent Antibody Virus Neutralization test, a type of blood test used to determine the quantity of rabies antibodies in the bloodstream.

(h) *Quarantine* means strict isolated impoundment.

(i) *Rabies* means the acute infectious disease of the central nervous system caused by a filterable virus, most frequently transmitted by the bite of infected animals and commonly referred to as “hydrophobia”.

(j) *Titer* means a concentration of a substance in a solution.

**SOURCE:** Added by P.L. 22-013:1 (May 7, 1993). Amended by P.L. 29-112:2 (Aug. 26, 2008).

**NOTE:** The functions of this Article were transferred from the DPH&SS to the Dept. of Agriculture and its Director by P.L. 26-076:57.

**§ 34302. Rabies Prevention.**

(a) Quarantine Unit. The Department of Agriculture *shall* maintain a dog *or* cat quarantine unit, provide and carry out a quarantine program to receive incoming dogs *or* cats upon arrival on the island, ensure that such

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dogs *or* cats are examined within twenty-four (24) hours upon arrival and twenty-four (24) hours prior to release from quarantine by a licensed veterinarian and provide for the health and well-being of such dogs *or* cats for the duration of their quarantine, including the administering of necessary immunization shots by a licensed veterinarian at the quarantine unit at the expense of the owner.

(b)(1) Quarantine of Dogs and Cats. All dogs and cats brought into Guam *shall* be subject to quarantine for a period of time approved by the Director pursuant to this Section.

(A) Requirements for the entry to and release from quarantine of dogs and cats brought into Guam, *shall* be a maximum of one hundred twenty (120) days.

(B) Any and all costs, including care and keep, *shall* be borne by the dog *or* cat owner.

(C) At the time of release from quarantine, the pet must have completed *not less than* two (2) properly documented inactivated rabies vaccinations, and the most recent rabies vaccination must be current.

(D) The pet must also be current for other routine vaccinations as established by the Territorial Veterinarian.

(2) Quarantine Length. Pets that have received a properly implanted approved identification microchip and have a protective titer against rabies, as documented by a laboratory approved by the Director of Agriculture, may spend less than the full one hundred twenty (120) days in enforced quarantine.

(A) The quarantine period is calculated from the date the blood arrives at the approved laboratory.

(i) *If* the animal receives an import permit and arrives on Guam before the one hundred twenty (120) days has passed, the animal may be allowed to spend only those remaining days in enforced quarantine, rather than the full one hundred twenty (120) days.

(ii) a. *If* one hundred twenty (120) *or* more days have passed since the blood with a protective titer arrived at the laboratory, and *if* all other requirements have been

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met, the animal must complete on Guam a quarantine period of five (5) days *or* less and a physical examination by a veterinarian approved by the Director of Agriculture.

b. The five (5) day *or* less quarantine program requires the following pre-arrival requirements for each pet before the pet may be released:

1. Vaccinations. Two (2) rabies vaccinations, with the last vaccination administered *no more than* twelve (12) months prior to arrival *if* a one (1) year vaccine was administered, or *not more than* thirty-six (36) months prior to arrival *if* a three (3) year *or* longer vaccine was administered. The two (2) vaccinations may not be administered within thirty (30) days of each other; and the last vaccine must be administered *no less than* thirty (30) days prior to the pet's entry into Guam.

2. Microchip. A microchip approved by the Territorial Veterinarian for identification purposes must be implanted in the pet.

3. Blood Serum Tests. Blood serum OIE-FAVN test results *or* the results of a test recognized by the World Organization for Animal Health as being able to determine levels of rabies antibodies must indicate a sufficient level of rabies antibodies. Such results *shall* be from a laboratory approved by the Director of Agriculture

4. Pre-arrival Waiting Period. The pre-arrival waiting period determines the duration of enforced quarantine on Guam only for those properly vaccinated animals with an approved microchip and a properly documented protective titer against rabies. *If* such an animal arrives on Guam *less than* one hundred twenty (120) days after the blood arrived at the approved laboratory, then the animal must spend the remaining days in enforced

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quarantine on Guam unless the pet qualifies for the home quarantine option.

5. Home Quarantine Option. After completing the initial five (5) days *or* less of enforced quarantine on Guam, those animals with a high titer of protective rabies antibodies (at least twice the minimum titer of 0.05 I.U. per milliliter of blood) may complete the remainder of the post-arrival quarantine at home, provided the animal originated in the United States, *or* has been screened by a military veterinarian prior to arrival on Guam, and is in compliance with items (1.) through (4.) of this Subsection. The owner must keep the pet isolated from other animals during this time. Failure to do so can result in the pet being placed in enforced quarantine for the remainder of the quarantine period at the owner's expense. At the end of the home quarantine period, the animal requires another physical examination by an approved veterinarian for final release from quarantine.

6. Documentation Submission. Pet owners must submit evidence of required vaccinations and blood serum tests at least ten (10) days prior to the pet's arrival. These items must be sent directly from the laboratory, *not* hand-carried by the pet owner.

(3) (A) The Department of Agriculture may require at any time within one hundred twenty (120) days after arrival on Guam that results from off-island laboratory tests be validated.

(B) *If* not confirmed to the satisfaction of the Department of Agriculture, then the Department of Agriculture may, pursuant to rules and regulations, place the pet in further quarantine *or* take other appropriate action.

(C) The Department of Agriculture is authorized to promulgate rules and regulations in accordance with this Subsection.

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(c) Exemption from quarantine. Notwithstanding any other provision of this Article:

(1) Certain dogs. Seeing-eye dogs serving blind masters or hearing-aid dogs serving deaf persons and dogs which are the official property of a federal, state or territorial government agency may, in the absence of evidence that they have been exposed to rabies, be granted exemptions from the quarantine provisions of this Article, provided they

(A) Comply with all other requirements for entry into the territory;

(B) Remain the property of the individual or agency whose property they were given when granted such exemption;

(C) Remain free of signs or symptoms of rabies;

(D) Are made available for examination by an officer at any reasonable time.

(2) Rabies-free areas. The Director shall establish a list of rabies-free areas as designated by the World Health Organization and will constantly review the status of the rabies-free areas and may remove a designated rabies-free area from the list if it is shown, to the satisfaction of the Director, that the area has not remained free from rabies or has not maintained stringent entry and quarantine requirements. Dogs or cats originating from areas designated as rabies-free at the time the pet was placed in transit to Guam will be exempted from quarantine; provided, that they comply with all other requirements for entry into Guam.

(3) Special veterinary care. Dogs or cats brought to Guam for the specific purpose of veterinary medical care may be granted exemptions from quarantine; provided, that

(A) The dog or cat is consigned to a licensed veterinarian;

(B) The dog or cat meets all other requirements for entry into the territory;

(C) The dog or cat is returned to its point of origin as soon as it is healthy enough to travel;

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(D) The dog or cat remain in the custody of the treating veterinarian during its entire stay in the territory.

(d) Import restriction. The Director shall establish a list of restricted areas based on its high incidence of rabies, and may deny entry to any dog or cat coming from these areas. The Director will periodically review the status of these areas and may lift the entrance restriction if the incidence of rabies in these areas have decreased to a level acceptable to the Director.

(e) Entry requirements. All incoming dogs or cats shall comply with all entry requirements before they will be allowed to enter Guam. Such entry requirements shall be in accordance with regulations adopted under the Administrative Adjudication Law.

(f) Holding period. A dog or cat will be declared ineligible to enter the territory if it fails to meet the entry requirements established by the Director pursuant to subsection (e), supra.

(1) Such dog or cat shall remain in the custody of the carrier in a designated inspection area at the port of entry until such time as it shall leave Guam, or shall be humanely disposed of by the Pet Control Unit.

(2) Such holding period shall in no case exceed seventy-two (72) hours without the consent of the Director.

(3) (A) Any expense incurred by the government of Guam during or as a result of such holding shall be the responsibility of, and chargeable to the carrier.

(B) In addition, the carrier shall be fined an amount not less than Five Hundred Dollars (\$500) and not to exceed One Thousand Dollars (\$1,000) for boarding such dog or cat without entry permit.

**SOURCE:** Added by P.L. 22-013:1 (May 7, 1993). Subsection (b) amended by P.L. 24-216:2. Subsection (b)(2) added by P.L. 27-84:2 (eff. 5/06/2004). Subsection (c)(2) amended by P.L. 27-84:3. Subsections (a) and (b) repealed and reenacted by P.L. 29-112:3 (Aug. 26, 2008).

**2017 NOTE:** Subsection/subitem designations added/alterd pursuant to the authority of 1 GCA § 1606. Internal reference altered to reflect the change.

**2012 NOTE:** In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with “Lowercase Roman numerals” to “Uppercase Letters” in subsections (b)(2), (c)(1) and (c)(3).

**§ 34303. Observation of Suspected Dogs or Cats.**

Any dog or cat which, in the opinion of an officer, exhibits signs suggestive of rabies or any dog or cat which has bitten a person shall be examined by a licensed veterinarian or, if no veterinarian is available, by a qualified person authorized by the Director and shall be placed under impoundment by the Pet Control Unit for a period of not less than ten (10) days, or in accordance with regulations which shall be specified by the Director. Any and all costs, including care and keep, shall be borne by the owner of such dog or cat, if known.

**SOURCE:** Added by P.L. 22-013:1 (May 7, 1993).

**§ 34304. Examination of Impounded or Quarantined Dogs or Cats for Rabies.**

Any impounded or quarantined dog or cat which dies or develops clinical signs suggestive of rabies during the required observation period shall be examined for rabies in accordance with regulations specified by the Director.

**SOURCE:** Added by P.L. 22-013:1 (May 7, 1993).

**§ 34305. Rabies Outbreak.**

(a) Report to the Governor. Should a case of rabies occur in Guam, the Director shall make or cause to be made, a thorough investigation as to the prevalence of the disease, the probable number of persons and animals exposed, the areas found to be involved and the means by which the disease was introduced and shall report the findings of such investigation, together with appropriate recommendations, to the Governor.

(1) If rabies exists or is believed to exist in Guam, the Governor may, in his discretion, declare by executive order a state of public health emergency due to rabies.

(2) During the existence of the state of emergency due to rabies, the Director may, with the approval of the Governor, promulgate such regulations as he may deem necessary to control the public health hazard due to rabies.

(b) Public health emergency status period. The public health emergency status shall terminate one (1) year from the date of the declaration thereof unless a public health emergency due to rabies is again declared in the manner provided in this section. If, however, the Governor at any time finds



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and declares, upon recommendation of the Director, that a public health emergency due to rabies has ceased to exist, its status as such shall terminate upon the date of such declaration.

(c) Suspension of importation of all animals. Whenever, in the opinion of the Governor, it shall be necessary for the protection of the population of Guam against infectious or contagious disease, he may, by executive order, suspend the importation of animals for a limited period of time and may change, revoke, or renew such executive order as the public good may require. During the time of such suspension, the importation of any such animals shall be unlawful.

**SOURCE:** Added by P.L. 22-013:1 (May 7, 1993).

**2017 NOTE:** Subitem designations added pursuant to authority granted by 1 GCA § 1606.

**§ 34306. Violations and Penalties.**

(a) Violations.

(1) It shall be unlawful to release a dog or cat from quarantine unless authorized by the Director.

(2) It shall be unlawful for a pet owner to bring into Guam a dog or cat without a valid Entry Permit.

(3) It shall be unlawful for a carrier to board a dog or cat on an airline for shipment to Guam without a valid Entry Permit.

(b) Penalties. Except as otherwise provided herein, violation of

(1) Any provision of this Article which provides certain conduct shall be unlawful shall be punishable by imprisonment not to exceed one (1) year, or a fine not to exceed One Thousand Dollars (\$1,000), or both;

(2) Any regulations promulgated pursuant to this Chapter which provide for criminal penalties, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000), or both.

**SOURCE:** Added by P.L. 22-013:3 (May 7, 1993).

**§ 34307. Creation of Rabies Prevention Fund.**

There is created a special fund called the “Rabies Prevention Fund,” which shall be exclusively used to support the implementation of this Act and to maintain, enhance and secure the prevention of rabies on Guam. All

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money collected under the provisions of this Chapter shall be deposited in the Rabies Prevention Fund. The Department of Administration shall be responsible for maintaining the accounting and administration of this fund. No later than December 31<sup>st</sup> of each year, the Directors of the Departments of Administration and Agriculture shall report to *IMaga'lahen Guåhan* and *ILiheslaturan Guåhan* on the administration of this fund, including the total monies collected and deposited in this fund and the total expended.

**SOURCE:** Added by P.L. 24-216:3 (June 4, 1998). Amended by P.L. 28-111:3 (April 14, 2006) with the effective date 90 days from enactment, pursuant to P.L. 28-111:5.

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**ARTICLE 4  
ANIMAL ASSISTED INTERVENTIONS**

**SOURCE:** Entire article added by P.L. 34-007:3 (May 10, 2017).

- § 34401. Definitions.
- § 34402. Promulgation of Rules within Government Agencies.
- § 34403. Certification and Licensure.
- § 34404. Access to Public Spaces.
- § 34405. Recognition of Community Organizations.
- § 34406. Penalties and Fines.

**§ 34401. Definitions.**

For the purpose of this Article and any promulgation of organizational rules, policies and processes, the following definitions of terms shall apply:

(a) Animal assistance is defined as assistance given to human endeavors by dogs. It is a dog that has been individually trained to do work or perform tasks for the benefit of an individual. This is a broad term that covers therapy dogs, service dogs, and other type of animals, commonly used to describe the utilization of various species of animals in diverse manners beneficial to humans. Areas include, but are not limited to, search and rescue operations, improvement in cognitive functioning, emotional support, assistance to visual impairment, and similar activities (see specific definitions):

(1) Animal-assisted activity (AAA) means an activity that involves a team consisting of a handler and therapy dog interacting

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with individuals in Guam; this is considered the lowest level of animal assisted intervention and usually consists of visitation type dogs;

(2) Animal-assistance community (AAC) means the local or regional entities capable of providing animal-assisted therapy, service dog actions or animal-assisted activities to individuals within Guam; the animal-assistance community is comprised of duly registered Guam based non-profit, private, and government organizations with a mission that supports animal assisted interventions;

(3) Animal-assisted therapy (AAT) means goal-directed intervention in which a team consisting of a therapist, as defined in Subsection (h), and a therapy animal, or a therapist handler and a therapy animal, is used as an integral part of the therapy process to aid individuals who have

(A) experienced mental, physical or emotional trauma;

(B) witnessed, or have been a victim of, an act of violence; or

(C) behavioral health care needs;

(4) Animal-assisted education (AAE) is a planned and structured intervention directed and/or delivered by educational and related service professional with specific academic or educational goals;

(5) Assistance animal trainee means an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual;

(6) Assistance animal trainer means an individual exercising care, custody and control over an assistance animal trainee during a course of training designed to develop the trainee into an assistance animal;

(7) Animal-assisted activity organization means any entity involved in training or incorporating dogs within the animal-assisted activity community; and

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(8) Assistance dogs (or a similar term is therapy dog) are animals trained to assist professionals by improving the quality of their work. have the public access freedom afforded under the Americans with Disabilities Act.

(b) Disability has the meaning stated in the federal Americans with Disabilities Act of 1990, 42 U.S.C. § 12102 (ADA), as amended, to include, but not be limited to, the following:

(1) Blind means a visual acuity not exceeding 20/200 in the better eye with corrective lenses; or a visual field of which the widest diameter subtends an angle of not more than twenty (20) degrees;

(2) Deaf means a permanent hearing loss that necessitates the use of amplification devices to hear oral communication; or for which amplification devices are ineffective; and

(3) Mobility impaired means an inability to carry objects or to move or travel without the use of an assistive device or service animal.

(c) Companion dogs/pets means dogs/animals that are trained to be obedient and loyal pets. The presence of a dog for comfort, protection, or personal defense does not qualify a dog as being trained to mitigate an individual's disability and therefore does not qualify the dog as a service dog covered under the provisions of the ADA or as a therapy or a professional working dog.

(d) Place of public accommodation means a place of public accommodation as defined by the Americans with Disabilities Act as businesses, organizations and government agencies that serve the public, including any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements, transportation or otherwise.

(1) A place of public accommodation is any place that is open to the public and owned or maintained by a public body, regardless of whether the place is commercial in nature.

(2) The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. § 41705, and by

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regulations adopted by the United States Department of Transportation to implement such act.

(e) (1) Prison Dog Program is a community service project and means a partnership between the Guam Department of Corrections with an animal assisted activity organization(s) to

(A) provide training to homeless dogs in order to improve the adoptability of the dog;

(B) take advantage of the social/psychological benefits of animal therapy for the inmate;

(C) aid in the reduction of stray dogs; and

(D) benefit the community.

(2) In relationship to a Guam Prison Dog Program the following definitions apply:

(A) Dog bite means oral contact by a dog that scratches or breaks the skin;

(B) Dog Trainer I is an inmate who has been properly screened and assigned to serve as the substitute or secondary handler and trainer for an assigned dog in a Prison Dog Training Program.

(C) Dog Trainer II is an inmate who has been properly screened and assigned to serve as the primary handler and trainer for an assigned dog through the Prison Dog Training Program.

(D) Facility Primary Program Coordinator is a Department of Corrections employee designated by the facility head to manage and coordinate all aspects of a Prison Dog Training Program at the facility level.

(E) Facility Secondary Program Coordinator is an employee who is designated to be responsible for managing and coordinating the program in the absence of the Primary Coordinator.

(F) Home furlough is a brief period of time when a volunteer is allowed to take a dog that is in a Prison Dog Training Program to their home or into the community for

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socialization or other supportive community training as may be required or needed as a part of the overall training program. Upon conclusion of the furlough, the dog is returned to the prison facility.

(G) Volunteer Inmate Trainer is an inmate who has requested and been approved to participate and provide services in a Prison Dog Training Program on a voluntary basis, and the inmate volunteer meets all of the program participation criteria for his or her services; and

(H) Volunteer Trainer is a professional trainer recommended by the animal assisted activity organization and approved by the facility who volunteers their time to teach the Dog Trainer I and Dog Trainer II appropriate methods and techniques of training dogs. All volunteers must adhere to the Department of Corrections Community Volunteer Program policy.

(f) Service dogs, for the purpose of this Article and in accordance with the Americans with Disabilities Act (ADA), as amended by the September 15, 2010 Regulations, is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

(1) The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to,

(A) guiding an individual who is visually impaired or blind,

(B) alerting an individual who is deaf or hard of hearing,

(C) pulling a wheelchair,

(D) assisting with mobility or balance,

(E) alerting and protecting an individual who is having a seizure,

(F) retrieving objects,

(G) alerting an individual to the presence of allergens,

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(H) providing physical support and assistance with balance and stability to an individual with a mobility disability,

(I) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors,

(J) reminding an individual with mental illness to take prescribed medications,

(K) calming an individual with post-traumatic stress disorder (PTSD) during an anxiety attack, or

(L) doing other specific work or performing other special tasks.

(2) The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

(3) For the purposes of this Article, a service dog is not generally a pet, although some are also treated as a pet.

(4) Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, consistent with 28 C.F.R., Part 35, § 35.104 and Chapter I, Part 36, Subpart A, § 36.104 (2010 Title II ADA Regulation).

(5) Service dogs are permitted, in accordance with the ADA, to accompany a person with a disability almost anywhere the general public is allowed. This includes restaurants, businesses, and on airplanes. Types of service dogs include:

(A) Guide Dog guides a person who is blind or visually impaired;

(B) Hearing Dog alerts a person who is deaf or hearing impaired to sounds such as door bells, smoke alarms, and alarm clocks;

(C) Medical Alert Dog is a dog that notifies a person of a change in body chemistry that may indicate a health

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concern, such as low or high blood sugar for a person with diabetes, or that a seizure is imminent for a person with epilepsy;

(D) Mobility Dog assists a person in performing tasks such as opening doors, picking up objects, and pulling wheelchairs; and provides stability to a person with the aid of a special harness; and

(E) Psychiatric Service Dog assists a person with a psychiatric disorder such as anxiety or PTSD. It is an important distinction of a psychiatric service dog that it performs a specific task to assist a person, as is the case with all service dogs. Some examples are:

(i) if a person suffers from PTSD and is prone to nightmares, their service dog is trained to wake them from their nightmares;

(ii) if a person suffers from PTSD and is not comfortable venturing alone into public places, their service dog is trained to move in and stand as a barrier between them and anyone who approaches;

(iii) if a person occasionally does something unconsciously that physically harms themselves, such as pulling or picking at something, their service dog is trained to alert them to their actions.

In each of these examples if the dog was not trained to perform the task described, and it was simply its calming presence that kept the person from having nightmares, helped them feel comfortable venturing into public places, or kept them from harming themselves, it would not qualify as a service dog for the purposes of this Article.

(g) Professional Working Dog (PWD) is a dog trained to do useful work.

(1) For purposes of this Article, Professional Working Dogs are segregated into a separate category from Therapy Dogs and Service Dogs. However, in the animal assisted intervention community they are often included in certain categories.



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(2) PWDs are dogs that receive training to perform tasks in a variety of areas of human endeavor. Unlike Service Dogs they do not enjoy access afforded by the Americans with Disabilities Act, but they do have public access when performing their trained task. For instance, a bomb-sniffing dog has public access in airports or in instances when searching for bombs.

(3) PWDs also tend not to have a therapeutic one-to-one relationship with humans such as that with Therapy Dogs.

(4) PWDs are distinguishable from service dogs and therapy dogs. Some examples of Professional Working Dogs are:

(A) Search and Rescue Dog is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;

(B) Tracking Dog is trained to track and find a missing person, escaped inmate, or fleeing felon;

(C) Narcotic Detection Dog is trained to locate narcotics by scent;

(D) Patrol Dog is trained to protect a peace officer and to apprehend a person;

(E) Accelerant Detection Dog is trained for accelerant detection, commonly referred to as arson canines;

(F) Bomb Detection Dog is trained to locate bombs or explosives by scent;

(G) Cadaver Dog is trained to find human remains;

(H) Herding Dog is trained to control other animals such as sheep; and

(I) Actor Dog is trained to perform in the arts.

(h) Therapist means any licensed

(1) physician who specializes in psychiatry;

(2) psychologist or professional counselor;

(3) marital and family therapist;

(4) clinical social worker or master social worker;

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- (5) occupational therapist; or
- (6) other mental health professional.
- (i) (1) Therapy Dog means any dog trained to provide comfort to individuals who have
  - (A) experienced mental, physical or emotional trauma;
  - (B) witnessed, or has been a victim of, an act of violence; or
  - (C) behavioral health care needs.
- (2) A therapy dog has no special rights of access, except in those facilities where they are welcomed.
  - (A) They may not enter businesses with a “no pet” policy or accompany their handler in the cabin of an airplane regardless of their therapy dog designation.
  - (B) Some examples of therapy dogs include:
    - (i) Courthouse Companion Dog is trained and used to facilitate testimony in minors or mentally disabled within a court room setting. Outside the courtroom, Courthouse Companion Dogs do not have a public access clearance;
    - (ii) Emotional Support Dog is trained and prescribed by a therapist to provide therapeutic support to a person with a mental illness by a licensed mental health professional for a person with a mental illness.
      - a) The prescription must state that the individual has an impairment that substantially limits one (1) or more major life activities, and that the presence of the dog is necessary for the individual’s mental health.
      - b) Pursuant to the ADA, individuals with emotional support dogs do not have the same rights to public access as individuals with a service dog.

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c) Emotional support dogs may only accompany their owners in public areas with the express permission of each individual venue and/or facility management.

d) Emotional support dogs may travel with their owner on an airplane and may live with their owner in locations covered by the Fair Housing Act (FHA) regardless of a “no pet” policy;

(iii) Reading Dog is trained to facilitate reading skill improvement in children;

(iv) Hospital Dog is trained to bring emotional comfort to persons within the hospital or clinical setting;

(v) Facility Dog is trained and prescribed by a therapist to live on-site as a resident therapy dog and can be found at nursing homes, residential facilities, group homes, or at many businesses.

a) If a Therapy Dog is a “familiar face” at a business, that qualifies as a Facility Dog.

b) Facility dogs do not have public access outside the office or building where they work.

**2017 NOTE:** Subsection/subitem designations added/alterd pursuant to authority of 1 GCA § 1606.

**§ 34402. Promulgation of Rules within Government of Guam Agencies.**

(a) Department of Agriculture (DOAg); Lead Oversight Agency. The Director of Agriculture, working through the Territorial Veterinarian, shall assist government of Guam agencies in the promulgation of rules and regulations and processes pursuant to the Administrative Adjudication Law, as required and as related to animal assisted interventions (AAI) in the community:

(1) To ensure the health and wellness of animals used in AAI and for the protection of the community; and

(2) To provide for the full potential use of assistive animals.

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(b) Guam Housing and Urban Renewal Authority (GHURA). The Guam Housing and Urban Renewal Authority shall establish or amend policies and processes, following the U.S. Department of Housing and Urban Development FHEO Notice FHEO-2013-01, including other related guidelines, to support the incorporation of animal assisted interventions and service dogs within GHURA housing units.

(c) Guam Memorial Hospital Authority (GMHA). The GMHA Board of Trustees, through the Administrator of Guam Memorial Hospital, shall promulgate rules and regulation pursuant to the Administrative Adjudication Law to establish policies and processes to support the incorporation of animal assisted therapy, therapy dogs, and service dogs within the Guam Memorial Hospital.

(d) Department of Public Health and Social Services (DPHSS). The Director of DPHSS shall establish policies and processes to support the incorporation of animal assisted interventions within DPHSS pursuant to the Administrative Adjudication Law.

(e) Guam Department of Education (GDOE). The Guam Education Board, through the Superintendent of Education, shall establish policies and processes to support the incorporation of animal assisted interventions in support of the GDOE mission pursuant to the Administrative Adjudication Law.

(f) Department of Corrections. The Director of Corrections shall establish policies and processes to establish a “Prison Dog Program” pursuant to the Administrative Adjudication Law.

(g) Guam Attorney General. The Attorney General is encouraged to examine the use of Courthouse Facility Dogs to facilitate testimony within the scope of the law. If deemed appropriate, the Attorney General shall develop guidelines for the incorporation of Courthouse Facility Dogs, regardless of the fact that the use of these dogs may be prohibited by the judge presiding in the case.

**§ 34403. Certification and Licensure.**

(a) Under U.S. federal law there are no standards or procedures for certifying a service animal. Certification is not required as a condition of using an animal as a service animal. However, the person using the animal must meet the legal definition of “disability” (42 U.S.C. § 12102 - Definition

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of disability) and their dog must be individually trained to perform tasks that mitigate the owner's disability.

(b) Fake certification is an issue for the disabled community. These "fakers" diminish the reputation of real teams by behaving inappropriately.

(1) Under federal law, service animals do not need certification.

(2) A business may only verify an animal is a service animal by asking

(A) whether it is required because of the person's disability;  
and

(B) what the dog is trained to do to mitigate that disability.

They may ask this regardless of whether a dog is "certified," and an owner who refuses to answer can be barred from the facility.

(c) (1) A *license* is something that all dogs are required to have.

(2) All categories of service animals, therapy dogs or professional working dogs are not exempt from any licensing requirements pursuant to Guam law as provided pursuant to § 34102 (Pet License Required) of Article 1 of this Chapter 34, and other applicable laws, rules and regulations.

(d) Owners and handlers of service dogs, professional working dogs and therapy dogs when used in interventions are encouraged to use specific identification, in an adequate form and design (such as a vest).

**2017 NOTE:** Subsection/subitem designations added pursuant to authority of 1 GCA § 1606.

**§ 34404. Access to Public Spaces.**

(a) Under the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go. This federal law applies to all businesses open to the public, including restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos (see 28 CFR § 36.302).

(b) Access to facilities by service dogs accompanying individuals with disabilities is controlled by 40 U.S.C. § 3103, which states: "Guide dogs or other service animals accompanying individuals with disabilities and

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especially trained and educated for that purpose shall be admitted to any building or other property owned or controlled by the Federal or Local Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property.”

(1) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.

(2) A public accommodation shall not ask about the nature or extent of a person’s disability, but may make two (2) inquiries to determine whether an animal qualifies as a service animal.

(A) A public accommodation may ask if the animal is required because of a disability and

(B) what work or task the animal has been trained to perform.

(3) A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

(4) Generally, a public accommodation may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(c) (1) People with disabilities who use service animals cannot be charged extra fees, isolated from other patrons, or treated less favorably than other patrons. However, if a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may be charged for damage caused by his or her service animal.

(2) A person with a disability cannot be asked to remove his service animal from the premises unless:

(A) the animal is out of control and the animal’s owner does not take effective action to control it (for example, a dog that barks repeatedly during a movie); or

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(B) the animal poses a direct threat to the health or safety of others; and

(C) in these cases, the business should give the person with the disability the option to obtain goods and services without having the animal on the premises.

(d) Businesses that sell or prepare food must allow service animals in public areas even if other Guam law, health code, or policy prohibits animals on the premises.

(e) A business is not required to provide care or food for a service animal or provide a special location for it to relieve itself.

(f) Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.

(g) No-Pets Housing: The Fair Housing Act (FHA) allows that a person may keep a service dog in housing with a “no pets” policy. Note, however, that it only requires that housing providers make reasonable accommodations for persons with service dogs. The FHA does not apply to hotels and motels or other facilities lodging transient guests.

(h) Airplanes: The Air Carrier Access Act (ACAA) of 1986, 49 U.S.C. § 41705, allows that a service dog may travel with its owner on an airplane.

(i) If a place of public accommodation or of access to government services, programs or activities customarily charges a person for damages that the person causes to the place, the place may charge a person with a disability or an assistance animal trainer for damages that an assistance animal or assistance animal trainee causes to the place.

(j) A person with a disability or an assistance animal trainer must maintain control of an assistance animal or assistance animal trainee. Except as provided in this Subsection, control shall be exerted by means of a harness, leash or other tether.

(1) If the use of a harness, leash or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is trained or is being trained, control may be exerted by the effective use of voice commands, signals or other means.

(2) If an animal is not under control as required in this Subsection, a place of public accommodation or of access to government services,

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programs or activities may consider the animal to be out of control for purposes of this Section.

(k) (1) Except as provided in this Subsection, a place of public accommodation or of access to government services, programs or activities may not deny a person with a disability or an assistance animal trainer the right to be accompanied by an assistance animal or assistance animal trainee in any area of the place that is open to the public or to business invitees.

(2) A place of public accommodation or of access to government services, programs or activities may require a person with a disability or an assistance animal trainer to remove an assistance animal or assistance animal trainee if:

(A) the animal is not housebroken; or

(B) the animal is out of control and effective action is not taken to control the animal.

(l) (1) A place of public accommodation or of access to government services, programs or activities may impose legitimate requirements necessary for the safe operations of the place of public accommodation or of access to government services, programs or activities.

(2) The place of public accommodation or of access to government services, programs or activities shall ensure that the safety requirements are based on actual risks, not on speculation, stereotypes or generalizations about persons with disabilities.

(m) A place of public accommodation or of access to government services, programs or activities shall make reasonable modifications as necessary to allow an opportunity for a person with a disability who is benefited by the use of an assistance animal to obtain goods, services, and the use of the advantages, facilities and privileges of the place, or the advantages, facilities and privileges of the government services, programs or activities. For purposes of this Subsection, except as provided in Subsections (f) and (h) of this Section, in addition to any other applicable accommodation requirement, allowing the presence of the assistance animal is a reasonable modification.

(n) If a place of public accommodation or of access to government services, programs or activities requires a person with a disability to remove an assistance animal under Subsection (f) of this Section, the place shall give



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the person with a disability a reasonable opportunity to obtain goods, services and the use of the advantages, facilities and privileges of the place, or the advantages, facilities and privileges of the government services, programs or activities, without the assistance animal's presence.

(o) A place of public accommodation or of access to government services, programs or activities is not required to provide care or supervision for an assistance animal or assistance animal trainee.

(p) A registered voter who requires the assistance of a service animal is entitled to bring the animal into the polls and the voting booth.

(q) The protection granted under this Section to a person with a disability or an assistance animal trainer does not invalidate or limit the remedies, rights and procedures of any other federal or local laws that provide equal or greater protection of the rights of a person with a disability, an assistance animal trainer, or individuals associated with a person with a disability.

(r) A place of public accommodation does not include:

- (1) the Department of Corrections;
- (2) the Department of Youth Affairs;
- (3) a local Guam Police Department lockup; and
- (4) an institution, bona fide club or place of accommodation that is in its nature distinctly private.

**2017 NOTE:** Subsection/subitem designations altered/added pursuant to authority of 1 GCA § 1606.

**§ 34405. Recognition of Community Organizations.**

Duly qualified members of the animal assistance community, as defined pursuant to § 34401(a)(2), desiring recognition in the community should follow established processes to become a non-governmental organization, a not-for-profit, or private business entity, and be recognized as a Guam animal assisted organization(s) that will work with DOAg and other government agencies in the further development of AAI programs by providing information and recommendations in the development of rules and regulations pursuant to the Administrative Adjudication Law, as provided pursuant to § 34402.

**§ 34406. Penalties and Fines.**

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The Americans with Disabilities Act provides that the owners or operators of a place of public accommodation cannot deny access to the facility to a disabled person with a service animal or service animal trainee, except under very specific circumstances.

(a) Violators of the ADA can be required to pay money damages and penalties. The following ADA fine fee schedule is in effect, and shall be deemed adopted and applicable to Guam, as follows:

(1) for a first (1st) offense, a fine of One Thousand Dollars (\$1,000);

(2) for a second (2nd) offense, a fine of Two Thousand Dollars (\$2,000); and

(3) for subsequent offenses, a fine of Five Thousand Dollars (\$5,000).

(b) It is unlawful for a person to fraudulently misrepresent an animal as a service animal or service animal in training.

(1) Fraudulent representation shall be a misdemeanor violation for any person to knowingly verbally misrepresent or affix to any dog any false or improper identification tag, special identification tag for identifying guide, service or hearing dogs, or license tag; and

(2) the following fine fee schedule shall be deemed adopted and applicable to Guam, as follows:

(A) for a first (1st) offense, a fine of One Thousand Dollars (\$1,000);

(B) for a second (2nd) offense, a fine of Two Thousand Dollars (\$2,000); and

(C) for subsequent offenses, a fine of Five Thousand Dollars (\$5,000).

(c) Refusing Access. Any place of public accommodation commits a misdemeanor violation if it refuses access to public accommodation or charges a fee for access to a public accommodation to a person using a service dog/service animal trainer.

(d) Harassment of or Interference With. Any person who knows or has reason to know that an animal is a Professional Working Dog, Service Dog or Therapy Dog, and who willfully taunts, teases, harasses,

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delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a Professional Working Dog, Service Dog or Therapy Dog shall be guilty of a misdemeanor in the second (2nd) degree.

(e) Serious Harm to Assistance Animal. Any person who knows or has reason to know that an animal is a Professional Working Dog, Service Dog or Therapy Dog and who willfully causes or attempts to cause serious harm to the animal shall be guilty of animal abuse in the first (1st) degree and subject to the penalties contained in 9 GCA § 70.10.1.

(f) Killing of Assistance Animal. Any person who knows or has reason to know that an animal is a law enforcement agency animal, an assistance animal, or a search and rescue animal and who willfully kills the animal shall be guilty of animal abuse in the first (1st) degree and subject to the penalties contained in 9 GCA § 70.10.1.

(g) (1) A defendant convicted of violating this Section shall also owe full financial restitution to the owner which shall include, but is not limited to, the following:

- (A) veterinary, medical care, and boarding expenses;
- (B) medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal;
- (C) replacement and training or retraining;
- (D) expenses incurred to provide temporary mobility services to the person with a disability; and
- (E) wages or income lost while the assistance animal is receiving training or retraining.

(2) Emergency medical treatment shall not be denied to an assistance dog assigned to a person regardless of the person's ability to pay prior to treatment, and the convicted person(s) shall be fully liable for the payment of the medical treatment.

**2017 NOTE:** Subsection/subitem designations altered/added pursuant to authority of 1 GCA § 1606.

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