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DPHSS Guidance Memorandum 2020-038

RE: Authorized Businesses and Services During PCOR 1 Relative to Executive Order 2020-32

The purpose of this document is to advise the public of restrictions and allowances for business and government operations in accordance with Executive Order No. 2020-32 during the current Pandemic Conditions of Readiness 1 (PCOR 1), which was declared by Executive Order No. 2020-27.

This memorandum supersedes all previous Department of Public Health and Social Services ("DPHSS") guidance documents that are in effect, in whole or in part, including DPHSS Guidance Memorandum 2020-037, which contradict or conflict with, Executive Order 2020-32 and this document.

A. Definitions as used in this memorandum:

1. "Congregation" shall mean a gathering of more than one person where the individuals are not members of an Immediate Family Unit or Single Household Unit.

2. "Immediate Family Unit" shall mean individuals who are from the same family and are related to one another as either parent and child or sibling.

3. "Single Household Unit" shall mean individuals who may or may not be blood-related, but who reside in that same household.

4. "Critical Government of Guam agencies" shall mean Government of Guam agencies and departments or its divisions, bureaus, or sections that provide critical services to the health and safety of the community, including critical supporting functions to such agencies and departments and Authorized Businesses and Services, which includes permitting, title searches, and recordation, licensing, treasury, collections, cashiering, procurement, recruitment, utilities, and air and sea port operations.

5. "Authorized Businesses and Services" shall mean:

    a. Community testing coordinated, performed, led, or otherwise sanctioned by DPHSS;

b. Healthcare Operations (including medical and dental clinics; pharmacies; excluding elective outpatient medical and dental procedures, treatments, and therapies);
c. Authorized Infrastructure;
d. Distance learning services;
e. Authorized Retail Stores;
f. Authorized Food Establishments;
g. Food cultivation, including farming, livestock, and subsistence and commercial fishing (excludes fishing charters);
h. Businesses and registered non-profit organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
i. Newspapers, television, radio, and other media services;
j. Gas stations;
k. Automobile, motorcycle, and bicycle supply and repair shops;
l. Construction companies;
m. Hardware stores;
n. Plumbers, electricians, exterminators, builders, contractors, HVAC technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and critical operation of residences, critical activities, and critical businesses;
o. Banks, credit unions, and related financial institutions (i.e., establishments providing payroll, accounting, insurance, check-cashing, ATM, and money transfer operations);
p. Businesses providing mailing and shipping services, including post office boxes;
q. Laundromats, dry cleaners, and laundry service providers;
r. Businesses that primarily supply products needed for people to work from home;
s. Trash and recycling collection, processing, and disposal services;
t. Funeral homes, crematoriums, and cemeteries;
u. Animal shelters;
v. Defense and national security-related operations supporting the U.S. Government or a contractor to the U.S. government;
w. Businesses that primarily supply other critical businesses with the support or supplies necessary to operate;
x. Businesses that ship or deliver groceries, food, goods or services directly to residences;
y. Airlines, taxis, and other private transportation providers providing transportation services necessary for critical activities and other purposes;
z. Home-based care for seniors or adults;
aa. Residential facilities and shelters for seniors, adults, and children;
bb. Real estate service by appointment only;
cc. Sale of automobiles and other motorized vehicles by appointment only;
dd. Professional services, such as legal or accounting services, when necessary to

assist in compliance with legally mandated activities;

ee. Vehicle and moped rental businesses;

ff. Building cleaning and maintenance operations (i.e., janitorial services, landscaping services, and pool maintenance);

gg. Security companies to maintain building access and control and physical security measures;

hh. Armored cash carriers;

ii. Distributors, wholesalers, and providers to critical businesses;

jj. Drive-through service by Eating and Drinking Establishments;

kk. Curbside Pickup by Eating and Drinking Establishments and Other Retail Stores;

ll. Take-out Orders by Eating and Drinking Establishments;

mm. Eating and Drinking Establishment contracted to provide meals to government-operated quarantine and isolation facilities;

nn. Business operations of firearms or ammunition products and accessories; and

oo. Passport issuance and other essential services, as determined by DPHSS;

6. "Healthcare Operations" means:
   a. Hospitals, clinics, dentists, pharmacies, pharmaceutical, and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services; and
   b. Veterinary care and all healthcare services provided to animals; but
   c. Does not include fitness centers, exercise gyms, and similar facilities; daycare facilities; and therapeutic massage establishments without physician's order.

7. "Eating and Drinking Establishments" means businesses, such as restaurants and other food facilities, that prepare and serve food.

8. "Authorized Infrastructure" means businesses including but not limited to:
   a. Airport operations to include all aircraft and passenger activities and support services;
   b. Water, wastewater, gas, electrical, oil refining, roads and highway operations;
   c. Public transportation;
   d. Solid waste collection and removal;
   e. Internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications and web-based services); and
   f. Hotels and places of accommodation.

9. "Authorized Items" means items that are necessary to maintain daily requirements for health, safety, and sanitation for residences, such as pharmaceuticals, cleaning and sanitizing products, personal care products, and other non-grocery products. Other examples include, but not limited to, appliances necessary to cook, heat, freeze, or chill food; fuel for cooking; fans; air conditioners; mattresses; candles; batteries; cookware

and utensils; and coolers.

10. "Authorized Retail Stores" means those retail stores that primarily sell Authorized Items. Determination of commodities available for sale shall be restricted to the authorized operations as stated in the Business License issued by the Department of Revenue and Taxation.

11. "Face mask" means material that covers the nose and mouth and can be secured to the head with ties or straps or wrapped around the lower face. Face masks with exhalation vent, valve, or any device that allows unfiltered release of exhaled breath are highly discouraged.

12. "Authorized Food Establishments" means businesses, such as grocery stores; certified farmers' markets; farm and produce stands; supermarkets; food banks; convenience stores; and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, livestock and pet food, fresh meats, fish, and poultry.

13. "Funeral Ceremony" means wakes, visitations, viewings, burial, and/or other funeral services.

14. "Non-Authorized Operations" means businesses and/or activities not listed under Authorized Businesses and Services.

15. "Retail Stores" means retail stores that primarily sell Non-Essential Items.

16. "Non-Essential Items" means merchandise and service that include, but are not limited to:
    a. Clothing/Shoe stores;
    b. Luxury goods stores;
    c. Furniture stores;
    d. Jewelry stores;
    e. Kiosks;
    f. Novelty shops (theme-oriented type of stores);
    g. Sporting goods stores;
    h. Vape shops;
    i. Cigar stores;
    j. Video stores and rentals;
    k. Amusement; and
    l. Any other businesses and services identified as Non-Authorized Retail Stores by the Department of Public Health and Social Services.

17. "Primarily" shall mean at least eighty percent (80%) of the merchandise.

18. "Curbside Pickup" shall mean an operation of a business that allows customers or clients to receive their item without leaving their vehicle.

19. "Drive-through service" shall mean an operation of an Eating and Drinking Establishment that allows customers to receive their food without leaving their car and has the following characteristics:
    a. Orders, payments, and delivery of food are conducted on the premises of the establishment;
    b. Customers do not park their vehicle but drive in one direction to give food order, make payments, and receive their food;
    c. Employees do not leave their establishment for any transaction with the customer; and
    d. Establishment possesses the proper license and permits to operate the business.

20. "Take-out Orders" shall mean an operation of an Eating and Drinking Establishment that allows customers onto their premises to pick-up their ordered food and adheres to the following:
    a. The establishment implements and enforces social distancing and the wearing of the face mask by customers when allowed on their premises:
    b. If the establishment permits customers to enter its enclosed establishment, then customers must be screened for COVID symptoms through the use of non-invasive thermometer and/or questioning;
    c. Employees of establishment wash their hands after servicing every customer; and
    d. The establishment disinfects surfaces touched by customers.

B. Authorized Businesses, Services, and Activities. Unless already authorized for operation under DPHSS Guidance Memorandum 2020-37 or otherwise authorized herein, all authorized businesses, services, and activities are permitted to operate effective at 12:00 PM on Friday, September 18, 2020;

1. Authorized Businesses and Services (as defined above);

2. Critical Government of Guam agencies, provided such agencies and departments are able to adequately protect their employees and the public through the implementation COVID-19 mitigation measures provided by U.S. CDC and DPHSS Guidance Memo 2020-28.

3. Running, walking, biking, and other individual recreation and exercise is permitted on public roadways, beaches, and parks;

4. Recreational boating by single household unit.

5. Distance learning by schools and its supporting activities, which include curbside pick-up, delivery of materials and documents, and teachers utilizing their classrooms to conduct virtual classes (*Note: activities that can be conducted off-campus are generally prohibited*);

6. Religious activities provided the following restrictions and requirements are implemented:
    a. Parking lot services by any religious institutions:
        i. All attendees are to remain in their vehicle at all times;
        ii. Distribution of any kind (i.e., the Eucharist, newsletters, donations, etc.) between the attendees and the religious institution must occur through the window of the vehicle, and is subject to mask-wearing guidelines; and
        iii. Because congregations and gatherings are prohibited, choir or band participation in services shall not occur. This prohibition includes congregations for the purpose of recording musical performances in advance of such services for play during the same. Individual singers and limited musical accompanists are permitted during religious services provided they are sufficiently distanced.
    b. Funeral Ceremonies (both religious and non-religious); however, such services are restricted to only immediate family unit or a single household unit, not to exceed ten people (excluding funeral home staff) at any given moment inside a building and at a burial where the ceremony is being held;
    c. Services involving the administration of sacraments or celebration of high holy days are permitted, but may be limited to no more than 10 people, including the clergy or minister or other religious leader and his/her assistant, if necessary. Such services need not occur in parking lots, but they should be limited in duration to time necessary to complete.

7. Hotels will be allowed to continue limited operations to allow their guests to stay in their facilities, but non-essential/non-critical operations found on its premises, such as bars, ballrooms, fitness centers, and swimming pools are not permitted to operate; and

8. Schools and other entities that typically provide free food services to students or members of the public may continue to do so on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not allow the food to be eaten at the site where it is provided, or at any other gathering site on their premises.

C. The number of people in any authorized business or operation shall be limited to 50% of that building's or business' occupancy load.

D. All businesses shall follow applicable requirements of DPHSS Guidance Memo 2020-29, which does not contradict or conflict with Executive Orders 2020-27 through 2020-32 and this memorandum, for social distancing; cleaning, sanitization, and/or disinfection of surfaces; posting of signs; face masks; and employee health and hygiene.

E. Businesses and Services Not Authorized for On-Site Operations.
    1. Government of Guam agencies with customer service functions that are not deemed

critical to the health and safety of the community; however, employees of such agencies are to continue working from home unless designated by the respective agencies as providing critical services;

2. Other Retail Stores, except for curbside pickup which is permitted;

3. Dine-in services at Eating and Drinking Establishments;

4. Educational institutions, including public and private K-12 schools, colleges, and universities and those staff not engaged in distance learning or not performing critical functions;

5. Child care facilities;

6. Professional services not explicitly mentioned as Authorized Businesses and Services;

7. Cosmetic establishments, including tattoo shops;

8. Theaters and museums;

9. Dive Shops;

10. Tourist attraction sites and venues;

11. Bars and taverns;

12. Gymnasiums and fitness centers;

13. Movie theaters;

14. Sporting events of all types;

15. Public swimming pools;

16. Firing ranges and golf driving ranges;

17. Therapeutic massage establishments;

18. Automobile detailing services (i.e., cleaning, tinting, washing, waxing);

19. Animal grooming and training facilities;

20. Travel agencies;

21. All places of worship, except for parking lot services; and

22. All government of Guam public parks and beaches, except for individual use for the purpose of exercise, subject to social distancing mandates.

F. The use of unnecessary, common-use area of offices and businesses, such as lounges and break-rooms, is prohibited.

G. Congregation is prohibited at all public and private premises, except as authorized in this Guidance Memorandum.

H. DPHSS shall enforce this memorandum and Executive Orders 2020-27 through 2020-32 pursuant to relevant provisions of DPHSS Guidance Memorandum 2020-25.

For further questions, please contact the Division of Environmental Health at 300-9579 from 8 am to 5 pm, Monday through Friday, or email, dphss-deh@dphss.guam.gov.

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