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DPHSS Guidance Memorandum 2021-21

**RE: Suspension of In-Person Learning and Amending Social Gathering Restrictions
Relative to Executive Order 2021-21**

The purpose of this document is to advise the public of the limitations on social gatherings and congregations, and suspending in-person learning in accordance with Executive Order No. 2021-21 during the current Pandemic Condition of Readiness 3 (PCOR 3), which was declared by Executive Order No. 2021-16 on July 21, 2021. It is also issued to provide further clarifications on the vaccination requirements for establishments, activities, and organized sports in accordance with Executive Order No. 2021-20.

This guidance document (the “Memorandum”) rescinds Department of Public Health and Social Services (“DPHSS”) Guidance Memorandum 2021-19 and 2021-20, and supersedes all previous DPHSS guidance documents that are in effect, in whole or in part, including DPHSS Guidance Memorandum 2021-18, which contradict or conflict with Executive Order 2021-21 and this document. It is issued in furtherance of DPHSS’s authority as provided in the *Islan Guåhan* Emergency Health Powers Act, in particular, 10 GCA § 19601, which provides that DPHSS shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment.

All businesses are strongly encouraged to require their employees and patrons to download the Guam COVID Alert app and encourage teleworking when practicable.

Businesses and services may implement more stringent measures as they see fit, including but not limited to physical barriers, social distancing, and limited occupancy.

A. Definitions

For purposes of this Memorandum, the following terms have the meanings given below:

1. “Childcare Facility” shall mean any facility with a Sanitary Permit or licensed for home operation by DPHSS, which the primary function is to provide care and supervision to children for all, or part, of a twenty-four (24) hour day, whether or not the facility is operated for profit.

2. “Congregation” or “Social Gathering” shall mean a meeting for a common and singular purpose of more than one person where the individuals are not members of an Immediate Family Unit or Single Household Unit. This does not include funeral ceremony (both religious and non-religious), and meetings of businesses, organizations, or government agencies held for the purpose of carrying out official business of such entities in their place of business.
3. “Contact Log” shall mean a written record of an individual’s name, contact information (phone number/email), date, and time of visit.
4. “Contact Sports” shall mean a planned sports activity, either for training or competition, that requires close proximity (i.e., within 6 feet) between players and may make it more difficult to maintain physical distancing. Examples include, but are not limited to, wrestling and basketball.
5. “Cosmetology Establishment” shall mean a business that provides shaving, clipping, trimming, singeing, shampooing, adorning, dressing, curling, waving, tinting, dyeing, or cutting of human hair; body massage; manicuring and pedicuring; and application of cosmetics; and shall include therapeutic massage establishments and tattoo shops.
6. “Covered Establishment” shall mean the indoor and outdoor premises of the following establishments where mask-use may be compromised:
 - a. Bingo halls
 - b. Boat cruises;
 - c. Bowling alleys;
 - d. Concerts and similar events;
 - e. Eating and Drinking Establishments with in-person, indoor/outdoor dining, except the following:
 - i. Eating and drinking establishments in schools, grades pre-K to 12;
 - ii. Mobile food service establishments (MFSE) and Temporary Food Service Establishment (TFSE), provided, such it is not part of an organized event and/or seating for dining purposes is not provided; and
 - iii. Catering establishments that provide off-site services at a private or public venue.
 - f. Food courts at Shopping Centers, or Malls, except the food courts located in the terminal building of the international airport for travelers screened by security, including passengers who are transiting, delayed, or departing Guam.
 - g. Gymnasiums, fitness centers, and dance studios;
 - h. Movie theaters;
 - i. Organized contact sports for training and competition, except school-sanctioned events;
 - j. Swimming pools;
 - k. Theaters and museums; and
 - l. Other Covered Establishments determined by DPHSS.

7. "Eating and Drinking Establishment" shall mean a business that prepares and serves food and/or beverage, such as a restaurant, bar, or tavern that possesses a Sanitary Permit from DPHSS.
8. "Face Mask" shall mean a 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(s), valve(s), or any device that allows unfiltered release of exhaled breath are highly discouraged.
9. "Face Shield" shall mean a personal protective equipment designed and worn to protect the wearer's entire face from hazards or potentially infectious materials. Face shields may be used in addition to a face mask. Face shield shall not be worn in lieu of a face mask.
10. "Funeral Ceremony" means wakes, visitations, viewings, burial, and/or other funeral services.
11. "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.
12. "Non-Contact Sports" shall mean sports that can be conducted while substantially maintaining appropriate social distancing, and any direct contact amongst participants are incidental to the activity. The following are non-contact sports and are not covered under this Memorandum:
 - a. Baseball;
 - b. Board sports (bodyboarding, longboarding, skateboarding, surfing);
 - c. Cricket;
 - d. Croquet;
 - e. Cross country;
 - f. Cue sports (carom billiards, pool, snooker);
 - g. Cycle sports (BMX, mountain bicycling, road bicycling);
 - h. Darts;
 - i. Golf;
 - j. Gymnastics;
 - k. Motorsports (ATVs, drifting, motorcycles, track racing);
 - l. Paddling sports (kayaking, stand up paddling);
 - m. Racket sports (badminton, table tennis, tennis);
 - n. Shooting sports (archery, practical shooting);
 - o. Softball;
 - p. Strength sports (bodybuilding, powerlifting, strongman, weightlifting);
 - q. Track and Field;
 - r. Volleyball;
 - s. Water sports (diving, fishing);
 - t. Any other sport determined as non-contact by the Department of Public Health and Social Services.

13. "Pre-Kindergarten (Pre-K)" shall mean a classroom-based program for children 4 years of age, but excludes Childcare Facility.
14. "Shopping Center or Mall" shall mean a large building, usually indoors, that holds a group of businesses and services.
15. "Single Household Unit" shall mean individuals who may or may not be blood-related, but who reside in that same household.
16. "Swimming Pool" means any artificial structure, basin, chamber, or tank constructed of impervious material used or intended to be used for public swimming, diving, or recreational bathing and possesses a Sanitary Permit with DPHSS.
17. "Take-Out Order" shall mean an operation of an Eating and Drinking Establishment that allows patrons onto their premises to pick-up their ordered food.
18. "Vaccinated" and "Vaccination" shall mean having received the first shot of a recommended series of vaccination with a vaccine authorized to prevent COVID-19 by the U.S. Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO). A list of FDA-authorized vaccines is available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>. A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.

B. Vaccination Requirements

1. Covered Establishments shall require individuals, including guests, patrons, performers, employees, volunteers, participants, and coaches who are twelve (12) years plus 1 month of age and older to show proof that they are vaccinated to enter their facilities or premises. Pursuant to Executive Order 2021-20, enforcement of this provision will commence on Monday, September 6, 2021.
2. The following are acceptable proof of vaccination:
 - a. Self-attestation that the individual has received at least one shot of a recommended series of vaccination as provided in this Memorandum.
 - i. Covered Establishments that accept self-attestation as proof of vaccination must have guests, patrons, performers, volunteers, participants, and coaches acknowledge and sign the attached Self-Attestation Form (DPHSS Form SA-1), keep this Form on file for a period of 30 days, and submit it to DPHSS upon request. Covered Establishments are not required to accept self-attestation as proof of vaccination, and may impose stricter requirements than imposed herein.
 - ii. Pursuant to Title 9 Guam Code Annotated, Chapter 52 Section 52.20, a person who makes a false statement under oath which he/she does not

- believe to be true with the intent to mislead a public servant in performing his official function is guilty of a misdemeanor.
- iii. Pursuant to Title 9 Guam Code Annotated, Chapter 52 Section 52.30, a person who, with intent to mislead a public servant in performing his official function, makes, submits or uses a written false statement of his own which he does not then believe to be true is guilty of a misdemeanor.
 - iv. CDC vaccination card, which includes name of person vaccinated, type (name) of vaccine provided, and date of the last dose administered, or similar documentation issued by another foreign governmental jurisdiction; the unauthorized use of an official government agency's seal (such as HHS or the Centers for Disease Control and Prevention (CDC)) is a crime, and may be punishable under Title 18 United States Code, Section 1017, and other applicable laws
 - b. Photo or copy of a vaccination card as a separate document;
 - c. Photo of the vaccination card stored on a phone or electronic device;
 - d. Documentation of vaccination from a healthcare provider;
 - e. Printed WebIZ documentation of vaccination information;
 - f. Personal digital COVID-19 vaccine record or similar documentation issued by another State, local, or foreign governmental jurisdiction; or
 - g. Other proof as approved by DPHSS.
3. Prior to entry into the facility, Covered Establishments must verify the vaccination status of each individual who intends to utilize the indoor or outdoor portions of the facility.
 4. Individuals who do not provide proof of vaccination as required herein may not use indoor or outdoor portions of such facilities except to order, pick up, or pay for food or drink for take-out orders, provided such individual properly wears a face mask.
 5. Covered Establishments are prohibited from serving any individual who fails to provide proof of vaccination as provided herein.
 6. Organizers of contact sporting events must refuse to allow coaches and participants twelve (12) years plus one month of age and older who fail to show proof of vaccination status as provided herein from participating in any contact sports, trainings, or competitions. This does not apply to organized, non-contact sport activities or events.
 7. Individuals who do not provide proof of vaccination as required herein, may enter the premises only to order, pick up, or pay for food or drink for take-out orders, provided such individual properly wears a face mask, but shall not be allowed to use indoor or outdoor portions of such facilities, including restrooms.
 8. Subject to the exceptions below, and any applicable federal or local laws requiring accommodation, Covered Establishments must ensure all employees who routinely

work onsite provide proof that they are vaccinated before entering or working in any facility by September 27, 2021.

- a. Consistent with applicable privacy laws and regulations, Covered Establishments must maintain records of employee vaccination or exemption status, and provide these records to DPHSS promptly upon request, and in any event no later than the next business day after receiving the request.
 - b. Individuals who deliver goods or packages are not subject to the requirements stated herein.
 - c. In the event an employee of a Covered Establishment declines to receive a COVID-19 vaccination or provide proof of such vaccination, they will be required to undergo and submit proof of a negative COVID-19 test once weekly. The Covered Establishment must maintain records of test results for 60 days.
9. Individuals seeking a medical or religious exemption to vaccination shall submit an official request with supporting document(s) to publichealth@dphss.guam.gov, or delivered to Immunization Program of DPHSS, located in Castle Mall, Unit #9, 130 University Drive, Mangilao, Guam 96913, from 8:00 am to 12:00 pm., Monday through Friday except recognized Government of Guam holidays. Employee may continue to work while waiting for issuance of DPHSS exemption. Employees who receive medical or religious exemption shall be required to undergo a COVID-19 test once weekly.

C. Signage

1. For Patrons

Covered Establishments must post a sign in a conspicuous place that is viewable by prospective patrons prior to entering the establishment. The sign must alert patrons to the vaccination requirement in this Memorandum and inform them that employees and patrons are required to be vaccinated.

2. For Employees

Covered Establishments are required to post signs in employee break rooms or similar areas informing employees that they are required to provide proof of vaccination, and informing them how to obtain additional information about getting vaccinated.

D. Congregations and Social Gatherings

1. Congregations and social gatherings shall be limited to no more than ten (10) vaccinated persons for indoor activities, and no more than twenty-five (25) vaccinated persons for outdoor activities. This includes guests, participants, coaches, patrons, performers, volunteers, or employees.
 - a. There shall be no more than ten (10) vaccinated persons per group or table indoors, and no more than twenty-five (25) vaccinated persons per group or table outdoors.
 - b. Each table shall be separated by a minimum of six (6) feet physical distance. When it is difficult to maintain a six (6) feet distance between groups or tables,

physical barriers, which separate each group, must be installed. The top horizontal edge height of physical barriers must not be less than the top of the head of the tallest person of the group.

2. Organizers of events, such as sporting events, concerts, outreach activities, night markets, fiestas, food truck rallies, and other similar events are responsible for implementing and enforcing the minimum requirements set forth in applicable DPHSS Guidance Memorandum and this document.
 3. Unvaccinated individuals twelve (12) years plus one month of age and older may not participate in social gatherings with individuals who are not members of their household.
 4. Children under twelve (12) years and one month of age may attend social gatherings.
 5. A party/group of individuals numbering 11 or more for indoors, or 26 or more for outdoors, shall not attend or participate in the same event by claiming to be separate party/group to circumvent Executive Order 2021-21 or this Memorandum.
- E. All Covered Establishments shall follow applicable requirements of DPHSS Guidance Memorandum 2021-18, which does not contradict or conflict with Executive Order 2021-21 and this Memorandum, for face masks; contact logs; cleaning, and disinfection of surfaces; and handwashing and respiratory etiquette.
1. Covered Establishments shall implement and enforce wearing of masks by all individuals, including guests, patrons, performers, employees, volunteers, participants, and coaches ages 2 years and older at all times while on their indoor and outdoor premises, except when:
 - a. Actively eating or drinking;
 - b. Engaged in physical activity, such as exercise or sports; and
 - c. A mask would create a risk to an individual's health, safety, or job duty, such as during live singing performances, playing wind instruments, and similar activities.
 2. Contact Logs shall be required in all Eating and Drinking Establishments with indoor or outdoor dining, Cosmetology Establishments, K-12 schools, and childcare facilities.
 3. Contact Logs must include list of each individual's name, contact information (phone number and/or email), date, and time of visit.
 4. This record must be maintained for a period of 30 days from the date of service and must be submitted to DPHSS upon request.

F. In-Person Learning

1. All public and private schools serving pre-kindergarten through 12th grade shall be suspended for in-person instruction and activities, except to conduct activities that support distance learning, such as curb-side pick-up, delivery of materials and documents, use of facilities by students, faculty and staff to facilitate distance learning, and teachers utilizing their classrooms to conduct virtual classes, provided that they adhere to minimum requirements set forth in DPHSS Guidance Memorandum 2021-19 (Revision 2) regarding social distancing, wearing of masks, etc, and the requirements in this Memorandum pertaining to congregation and social gatherings.
2. All athletics, after-school activities, inter-school activities, and busing shall be suspended.

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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