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DPHSS Guidance Memorandum 2021-10

RE: Authorized Businesses and Services During PCOR 3 Relative to Executive Order 2021-07

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. 2021-07 during the current Pandemic Conditions of Readiness 3 (PCOR 3), which was declared by Executive Order No. 2021-04.

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 2021-06 (REV1), which contradict or conflict with, Executive Order 2021-07 and this document. All businesses are strongly encouraged to require that their employees and patrons download the Guam COVID Alert app and encourage teleworking when practicable. Furthermore, appointments are recommended for face-to-face services.

Unless stated elsewhere, this memorandum is effective immediately upon signing.

A. Definitions as used in this memorandum:

1. "Authorized Businesses and Services" shall mean the following, which are authorized to operate at either 75% or 50% occupancy load:
 - a. Approved to operate at 75% occupancy load:
 - 1) Advertising and marketing firms operating by appointment only;
 - 2) Airlines (ground crew), taxis, and other private transportation providers that provide transportation services;
 - 3) Animal grooming and training establishments that operate by appointment only;
 - 4) Animal shelters;
 - 5) Armored cash carriers;
 - 6) Auto wash, detailing, and tinting businesses operating by appointment only;
 - 7) Automobile and moped rental businesses;
 - 8) Automobile and other motorized vehicle sales operating by appointment

- only;
- 9) Automobile, motorcycle, and bicycle supply and repair shops;
 - 10) Banks, credit unions, and related financial institutions (i.e., establishments providing payroll, accounting, insurance, check-cashing, ATM, and money transfer operations);
 - 11) Building cleaning and maintenance operations (i.e., janitorial services, landscaping services, and pool maintenance);
 - 12) 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;
 - 13) Business operations of firearms or ammunition products and accessories;
 - 14) Businesses providing mailing and shipping services, including post office boxes;
 - 15) Businesses that issue passports;
 - 16) Businesses that primarily supply other businesses with the support or supplies necessary to operate;
 - 17) Businesses that primarily supply products needed for people to work from home;
 - 18) Businesses that ship or deliver groceries, food, goods, or services directly to residences;
 - 19) Construction companies;
 - 20) Cosmetology Establishments operating by appointment only;
 - 21) Defense and national security-related operations supporting the U.S. Government or a contractor to the U.S. government;
 - 22) Distributors, wholesalers, and providers to businesses;
 - 23) Dive shops, operating by appointment only;
 - 24) Financial planning firm operating by appointment only;
 - 25) Food cultivation, including farming, livestock, and subsistence and commercial fishing;
 - 26) Gas stations;
 - 27) Hardware stores;
 - 28) Healthcare Operations;
 - 29) In-Office Consulting firms operating by appointment only;
 - 30) Indoor firing ranges;
 - 31) Infrastructure for the following businesses:
 - a. Airport operations;
 - b. Water, wastewater, gas, electrical, oil refining, roads and highway operations;
 - c. Solid waste collection and removal;
 - d. Internet and telecommunications systems; and
 - e. Hotels and places of accommodation.
 - 32) Laundromats, dry cleaners, and laundry service providers;
 - 33) Newspapers, television, radio, and other media companies;
 - 34) Photography establishments operating by appointment only;
 - 35) 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;

- 36) Professional businesses, such as legal or accounting firms, when necessary to assist in compliance with legally mandated activities;
- 37) Real estate business operating by appointment only;
- 38) Retail Stores;
- 39) Security companies that maintain building access and control and physical security measures;
- 40) Testing sites for certification, credentialing, licensing, and aptitude; and
- 41) Trash and recycling businesses that collect, process, and disposal and/or recycle.

b. Approved to operate at 50% occupancy load:

- 1) Amusement parks;
- 2) Aquariums, museums, and zoos;
- 3) Bars and Taverns;
- 4) Bingo halls;
- 5) Bowling alleys;
- 6) Cigars, tobacco shops, and vape shops;
- 7) Eating and Drinking Establishment contracted to provide meals to government-operated quarantine and isolation facilities;
- 8) Eating and Drinking Establishments with in-person, indoor dining;
- 9) Food Establishments;
- 10) Game rooms;
- 11) Gymnasiums, fitness centers, and dance studios;
- 12) Indoor operation of funeral homes, crematoriums, and cemeteries;
- 13) Movie theaters and its food concession sales;
- 14) Places of worship;
- 15) Private and public swimming pools;
- 16) Public transportation, including school buses; and
- 17) Others as determined by DPHSS.

2. "Bars and Taverns" shall mean establishments that primarily serve alcoholic beverages and possess a Sanitary Permit from DPHSS in that respective subcategory.
3. "Child Care Facilities" shall mean any facility with a Sanitary Permit, or licensed for home operation, by DPHSS to provide care, education, and supervision to children for all, or part, of a twenty-four (24) hour day, whether or not the facility is operated for profit.
4. "Congregation" shall mean a gathering of two or more individuals who are not members of an Immediate Family Unit or Single Household Unit.
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. "Eating and Drinking Establishment" shall mean a business that prepares and serves food and/or beverage, such as restaurants, bars, and taverns that possesses a Sanitary Permit from DPHSS.
7. "Face Mask" shall mean 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.
8. "Face Shield" shall mean a personal protective equipment designed and worn to protect the wearer's entire face from hazards or potentially infectious materials.
9. "Funeral Ceremony" shall mean a wake, visitation, viewing, burial, and/or other funeral service.
10. "Healthcare Operation" shall mean:
 - 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.
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. "Infrastructure" shall mean 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.
13. "Live Entertainment" shall mean any of the following live performances by one or more persons, whether or not done for compensation and whether or not admission is charged:
 - a. musical act to include bands and singers;
 - b. theatrical play or act, including stand-up comedy;
 - c. magic acts;
 - d. dance performances; and

- e. disc jockey performances using vinyl records, compact discs, computers, or digital music players when the disc jockey is in verbal communication with the customers of the establishment.
- 14. “Non-Authorized Operations” means businesses and/or activities not listed under Authorized Businesses and Services.
- 15. “Organized Sports, Non-Contact Training” means a planned sports activity where participants can maintain 6 feet distancing and any contact is incidental to the activity during training, practice, try outs, and competition.
- 16. “Places of Worship” means a designed structure or consecrated space where individuals or a group of people such as congregation, come to perform acts of devotion, veneration, or religious study.
- 17. “Retail Stores” shall mean a business where merchandise, including food and non-food, is sold primarily to ultimate consumers. This definition does not apply to Eating and Drinking Establishments.
- 18. “Shopping Centers or Malls” shall mean a large building, usually indoors, that holds a group of Authorized Businesses and Services with the following requirements:
 - a. Food courts or Eating and Drinking Establishments are authorized for indoor dining, outdoor Dining, and/or take-out only;
 - b. All common areas that promote congregation remain closed; and
 - c. All Authorized Businesses and Services within these facilities comply with specific DPHSS guidance memoranda associated with that business or service.
- 19. “Single Household Unit” shall mean individuals who may or may not be blood-related, but who reside in that same household.
- 20. “Swimming Pool” means any artificial structure, basin or chamber, or tank constructed of impervious material used or intended to be used for swimming, diving, or recreational bathing and possesses a DPHSS Sanitary Permit; excludes pools in private homes.
- 21. “Take-Out Order” 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. The following Businesses, Services, and Activities are authorized to operate:

1. Authorized Businesses and Services (See Item A.1.a. and b.).
2. Bowling alleys and food concession sales provided:
 - a. Face masks are worn at all times by customers (and employees), except when actively eating and drinking;
 - b. Communal food and condiments that requires shared serving utensils or equipment are eliminated;
 - c. Barriers between employees and customers are provided at service counter or point of sale; and
 - d. A written record is maintained by the establishment, which provides the following information that must be readily available to DPHSS, when requested:
 - 1) Date and time of the visit of every customer;
 - 2) Name of customer(s);
 - 3) Customer's seating area;
 - 4) Number of customers in each bowling lane; and
 - 5) Phone and/or email of every customer.
3. Child Care Facilities; provided, it adheres to DPHSS Guidance Memorandum 2020-20 and DPHSS' "Rules and Regulations Governing Child Care Facilities."
4. Congregation of people, but shall be limited to no more than fifty (50) people, and they all maintain social distancing of not less than 6 feet from any other individual, unless they are of Immediate Family Unit or from Single Household Unit, and all wear face masks, unless unable to do pursuant to the U.S. Centers for Disease Control and Prevention guidance (<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>), or as provided in applicable DPHSS guidance.
5. Cosmetology Establishment; provided:
 - a. Services are by appointment only, prohibits walk-ins, and eliminates waiting rooms;
 - b. It utilizes separate rooms for each customer, or workstations are at least 6 feet apart;
 - c. The employee servicing the customer wears a face mask and a face shield;
 - d. The establishment complies with DPHSS Guidance Memorandum 2020-26;
 - e. If therapeutic massage establishments, it complies with DPHSS Guidance Memorandum 2020-22; and
 - f. A written record is maintained by the establishment, which provides the following information that must be readily available to DPHSS, when requested:
 - 1) Date and time of the visit of every customer;
 - 2) Name of customer;
 - 3) Assigned staff and table or workstation; and
 - 4) Customer's phone and/or email.
6. Government of Guam Departments and Agencies.
 - a. Government of Guam Departments and Agencies are operational, including those making accommodations for walk-in services, that emphasize on customer facing services; provided, such offices are able to adequately protect their employees and

- the public through the implementation of COVID-19 mitigation measures provided by DPHSS Guidance Memorandum 2020-28 (Minimum Requirements for Government of Guam).
- b. Work of Government of Guam social workers and other human services personnel who are authorized to conduct home visitations for the purpose of ensuring that social, educational, and human services are properly provided to for the members of the community; and that
 - 1) In as much as possible, there is no direct physical contact between the social workers/human services personnel and the client(s);
 - 2) Social workers/human services personnel properly wash their hands or use approved hand sanitizers prior to the start, and after each home visit, and after the home visit;
 - 3) Social distancing of not less than 6 feet is maintained; and
 - 4) Face masks are worn at all times by the GovGuam worker.
7. Gymnasiums, fitness centers, and dance studios at 50% of the room's occupancy load; provided, the businesses:
 - a. Adhere to DPHSS Guidance Memorandum 2020-16 (Minimum Requirements for Operations of Gymnasiums and Fitness Centers), including 6 feet distancing;
 - b. There is no contact amongst the participants;
 - c. Non-participants (i.e., instructors, employees, and parents) must wear face mask; and
 - d. All participants must wear face masks when not actively engaged in physical activity.
 8. Hotels will be allowed to continue limited operations pursuant to the latest DPHSS Guidance Memoranda to allow their guests to stay in their facilities.
 9. Indoor dining in an Eating and Drinking Establishment, effective 8:00 AM, April 1, 2021; provided, it is limited to 50% of the occupancy load with no more than eight (8) persons per table per party, and each party is at least six (6) feet away from the other party.
 10. In-person instruction for all 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 is authorized; provided the following are implemented:
 - a. Adherence to DPHSS Guidance Memorandum 2021-02 (Minimum Requirements for In-Class Operations of K-12 Schools and Institutions of Higher Education) and DPHSS Guidance Memorandum 2021-09 (Additional Guidance Relative to Adopting 3 Feet Social Distancing for In-Class Operations for K-12 Schools) and any additional requirements as DPHSS deems necessary.
 - b. Distance learning by schools and its supporting activities is authorized, which include curb-side pick-up, delivery of materials and documents, and teachers utilizing their classrooms to conduct virtual classes.
 - c. In-person instruction guidelines and protocols are approved for the re-opening of schools.

11. Live Entertainment with the following requirements:
 - a. In a bar or a tavern, all live entertainment at bars and taverns must meet the 6 feet distance requirements between the entertainer(s) and customers;
 - b. All performers are strongly recommended to be 6 feet apart from one another in all directions;
 - c. Face masks must be worn by all performers at all times, except for those who are actively singing, in which case physical barriers may be used where the top horizontal edge height of physical barrier (i.e., Plexiglass) is a minimum of 6 feet above the stage floor between the live entertainer and customers;
 - d. When present, all wind-blown instruments must have a bell covering or be in an instrument bag when not in use;
 - e. All customers must refrain from cheering or singing along;
 - f. Cleaning and disinfecting of all surfaces must be conducted pursuant to CDC disinfection criteria between each live entertainment from different performers; and
 - g. Sharing of microphones, props, and other items used for performances are prohibited, unless they are properly cleaned and disinfected between uses by different individuals.

12. Movie theaters and food concession sales; provided, the following requirements are met:
 - a. Must not exceed 50% of the occupancy load;
 - b. Face masks are worn at all times by customers (and employees), except when actively eating and drinking;
 - c. Designated movie attendant is assigned to each auditorium to ensure compliance by customers;
 - d. The food concession adherences to the Guam Food Code;
 - e. Communal food and condiments that requires shared serving utensils or equipment are eliminated;
 - f. Barriers between employees and customers are provided at service counter or point of sale; and
 - g. A written record is maintained by the establishment, which provides the following information that must be readily available to DPHSS, when requested:
 - 1) Date and time of the visit of every customer;
 - 2) Name of customer(s);
 - 3) Customer's seating area;
 - 4) Number of customers in each auditorium; and
 - 5) Phone and/or email of every customer.

13. Organized Sports, Non-Contact Training; provided, 6 feet distance is maintained, including while in an enclosed space, and:
 - a. There is no deliberate direct contact between participants;
 - b. If held indoors, the total number of individuals, including players and coaches, cannot exceed 50% of the occupancy load; and where and when applicable, implement frequent disinfection of surfaces that can be contaminated with the COVID virus, require the wearing of face masks by all who are not engaged in the activity (i.e., coaches and employees), and the posting of signs for social distancing and face mask requirements;

- c. If held outdoors, the number of participants is limited to no more than fifty (50) persons with no more than twenty-five (25) spectators; and
 - d. Non-participants (i.e., instructors, employees, and parents) must wear face mask.
14. Outdoor Dining in an Eating and Drinking Establishment; provided, it is limited to no more than fifteen (15) persons per table per party, and each party is at least 6 feet away from the other party. The outdoor dining area may be covered to protect from the elements but shall not be enclosed by more than two sides.
15. Outdoor, non-contact, recreational activities, such as golf, tennis, shooting, scuba diving is authorized; provided, the following are implemented:
 - a. Social distancing of not less than 6 feet is maintained;
 - b. Face mask is worn whenever possible;
 - c. Group activities cannot exceed fifty (50) individuals;
 - d. Paddling sports (kayaking, stand up paddling) limited to no more than six (6) persons; and
 - e. The use of golf carts shall be limited to two persons per vehicle.
16. Religious activities and Places of Worship are authorized; provided:
 - a. Participants adhere to DPHSS Guidance Memorandum 2020-040 REV 1 (Minimum Requirements for Places of Worship), unless otherwise provided herein;
 - b. Must submit facility mitigation plan to DPHSS;
 - c. For funeral ceremonies, both religious and non-religious, that are held indoors must not exceed 50% of the occupancy load, and for associated activities (i.e., burial) held outdoors, it must not exceed 50 individuals and all must wear face masks and maintain 6 feet distancing; and
 - d. Services involving the administration of sacraments or celebration of high holy days are permitted, but must be limited to 50% occupancy load, including the clergy, minister, or other religious leader and his/her assistant, if necessary.
17. 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.
18. Swimming pools, private and public, at 50% of the pool's occupancy load is authorized, and the operator:
 - a. Adheres to DPHSS Guidance Memorandum 2020-17 (Minimum Requirements for Operations of Swimming Pools and Waterparks); and
 - b. Prohibits the congregation of more than fifty (50) individuals per group at poolside and each remain 6 feet distance from one another if not from Immediately Family Unit or Single Household Unit.
19. The following; provided, it is limited to no more than fifty (50) persons per party and the allowable occupancy load is not exceeded, if applicable:

- a. Aquariums, museums, and zoos;
 - b. Government of Guam parks and beaches;
 - c. Recreational boating and boat charters where 6 feet distancing can be maintained by everyone on board;
 - d. Running, walking, biking, and other recreation and non-contact exercise on public roadways, beaches, and parks;
 - e. Tourist attraction sites and venues; and
 - f. Waterparks and other recreational water venues.
- C. All businesses that require a written record must maintain this record for a period of 30 days from the date of service and must be readily available to DPHSS, when requested.
- D. **Businesses and Services Not Authorized for On-Site Operations.**
1. Reservations to celebrate public and private functions (i.e., anniversaries, birthdays, weddings, graduations) at Eating and Drinking Establishments and other public venues where the total number of guests exceed fifty (50) individuals.
 2. Contact sporting events of all types and organized games;
 3. Senior Citizen Centers; and
 4. Other businesses and services not identified by the DPHSS in this memorandum.
- E. The use of unnecessary and/or common-use area of offices and businesses, such as lounges and break-rooms, is strongly discouraged.

Written mitigation plans and requests for authorization are to be submitted to PCOR3plans@dphss.guam.gov. For further questions, please contact the Division of Environmental Health at 300-9579 from 8:00 AM to 5:00 PM, Monday through Friday, or email, dphss-deh@dphss.guam.gov.


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