



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



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DPHSS Guidance Memorandum 2020-25

Re: Clarification on COVID-19 Conditions Deemed a Public Nuisance

This document supplements DPHSS Guidance Memoranda 2020-01 (March 19, 2020); 2020-02 (March 28, 2020); 2020-05 (April 8, 2020); 2020-07 (May 7, 2020); 2020-08 (May 15, 2020); 2020-10 (May 27, 2020); 2020-12 (June 10, 2020); 2020-14 (June 6, 2020); 2020-15 (June 6, 2020); 2020-16 (June 6, 2020); 2020-17 (June 6, 2020); 2020-18 (June 10, 2020); and 2020-19 (June 13, 2020). These and other guidance documents of the Department are available at <http://dphss.guam.gov/covid-19-jic-releases-executive-orders/>.

The purpose of this document is to provide clarification on those conditions that would be deemed a public nuisance pursuant to DPHSS Guidance Memorandum 2020-19 (June 13, 2020).

*Public nuisance is defined as anything that is determined by the Director to be dangerous to life, injurious to health or renders soil, air, water, or food impure or unwholesome [§20101(d) of Title 10 Guam Code Annotated, Chapter 20].*

With the increased number of businesses authorized to operate during PCOR2, there is concern of non-compliance with the Governor's Executive Orders and DPHSS guidance memoranda mandating use of face masks; social distancing of at least six feet; posting of appropriate signage; frequent cleaning of all surfaces; industry-specific and organization-specific guidance plans; maintaining required occupant load; and adhering to authorized number for social gatherings.

Due to the infectious nature of COVID-19, this Department has deemed the following conditions to meet the criteria of a public nuisance:

FOR BUSINESS ESTABLISHMENTS AND ORGANIZATIONS:

- Failure to require employees and customers to use and enforce the mandatory use of face masks
- Failure to enforce social distancing of at least six feet in the interior and exterior premises of the property of the business
- Failure to post appropriate signage for face masks and social distancing
- Failure to have a policy in place for the frequent cleaning of all surfaces

- Failure to have an organization-specific guidance plan in place that can be presented to DPHSS and Department of Revenue and Taxation staff upon request
- Failure to properly maintain the required occupant load
- Failure to adhere to the authorized number for social gatherings on the business premises

#### FOR INDIVIDUALS

- Failure to adhere to mandatory use of face masks while in public
- Failure to adhere to social distancing requirements
- Failure to adhere to the required number of individuals allowed for social gathering

Businesses and organizations are reminded that industry-specific and organization-specific guidance plans must be developed in alignment with the COVID-19 prevention and control measures outlined in the document, *Minimum Pandemic Workplace Operational Requirements*, which was issued by the Department of Public Health and Social Services and any other requirements set forth by DPHSS.

Pursuant to §20106 of Title 10 Guam Code Annotated, Chapter 20, DPHSS is authorized to conduct inspections of all public and private grounds, buildings, vehicles, aircraft, ships, and other places, except private homes, in order to enforce and order the immediate abatement of public nuisance.

#### PENALTY:

Any person or business which fails to operate consistent with applicable and current Executive Orders and/or Public Health Guidance shall be deemed a public nuisance under Chapter 20, Title 10, of the Guam Code Annotated which are misdemeanors, if found guilty.

Further, the DPHSS Division of Environmental Health (DEH) shall consider such non-compliance a public nuisance as a violation of the conditions of the business' Sanitary Permit. If a business is found to be in violation, DEH may revoke or suspend the permit in accordance with Guam law and regulations. Such revocation or suspension may lead to the suspension of the Business License and the Alcohol Beverage License by the Department of Revenue and Taxation.



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cc: Dir Chrono  
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