

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

August 21, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Executive Order No. 2020-28

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2020-28:
RELATIVE TO ORDERING GUAM RESIDENTS TO
STOP THE SPREAD OF COVID-19 BY STAYING HOME**

If you have any questions, please contact my office at # 475-9475/76.

Senseramente,

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-28

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-28

**RELATIVE TO ORDERING GUAM RESIDENTS TO
STOP THE SPREAD OF COVID-19 BY STAYING HOME**

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, on April 30, 2020, pursuant to Executive Order No. 2020-11, Guam adopted a system of readiness, known as the Pandemic Conditions of Readiness ("PCOR"), that guides decision-making for purposes of coordinating health and safety responses, imposing restrictions on activities, and directing government services; and

WHEREAS, also on April 30th, I declared Guam to be in PCOR 1, imposing stringent restrictions on social gatherings, prohibitions on non-essential activities, impositions of conditions on operations of essential activities, and closures of congregate facilities, including schools; and

WHEREAS, on May 8, 2020, pursuant to Executive Order No. 2020-14, I declared Guam to be in PCOR 2, permitting limited activities to operate under moderate restrictions, including permitting social gatherings or congregations of no more than ten (10) persons, mandating the continued closure of schools, closing public parks and beaches except for individual use for purpose of exercise, allowing businesses to sell non-essential items, allowing specific businesses to operate subject to Department of Public Health and Social Services ("DPHSS") Guidance, occupancy limits and implementation of mitigation measures; and

WHEREAS, on July 19, 2020, pursuant to Executive Order No. 2020-24, I declared Guam to be in PCOR 3, effective July 20, 2020, having achieved a consistently low positivity rate for COVID-19, expanded capacity to test all individuals with COVID-19 symptoms, and the continued capacity to monitor COVID-19 cases and trace their contacts through DPHSS's robust system for contact tracing; and

WHEREAS, under PCOR 3, all businesses and activities, with few exceptions, were permitted to operate, subject to occupancy limitations and the implementation of aforementioned mitigation measures; and

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WHEREAS, despite the restrictions in place, following the declaration of PCOR 3 and the reopening of businesses, the number of COVID-19 cases in Guam increased dramatically and significantly; and

WHEREAS, on August 16, 2020, pursuant to Executive Order No. 2020-27, I ordered that Guam revert to PCOR 1, in an effort to slow COVID-19's spread in our community; and

WHEREAS, over the past seven (7) days, the total number of positive cases has increased by 255; and

WHEREAS, 62 cases of COVID-19 have been identified while under quarantine pursuant to DPHSS Guidance, which represents nearly nine percent (9%) of the total cases in Guam; and

WHEREAS, while Guam experienced one hundred twenty-nine (129) days without a COVID-19 fatality, on August 20, 2020, we suffered our sixth (6th) death to this disease; and

WHEREAS, on August 20, 2020, Guam's COVID-19 positive case count increased by 105, our most substantial single day total since the start of the pandemic; and

WHEREAS, as of the time of this Order, there are 15 positive COVID-19 patients hospitalized at the Guam Memorial Hospital; and

WHEREAS, as of the time of this Order, Guam's Test Positivity Rating, defined as the 7-day average of positive COVID-19 tests in Guam, is 6.8% of testing performed, and our Case Doubling Rate, defined as the estimated number of days in which our total number of positive cases will double if we continue at the same rate, is an alarming seventeen (17) days; and

WHEREAS, our hospital COVID-19 facilities are near capacity, and will be soon overwhelmed and unable to safely treat all patients requiring hospitalization for COVID-19 without resorting to crisis standards of care; and

WHEREAS, according to the Centers for Disease Control, as of August 19, 2020, there have been 5,460,429 cases of COVID-19 in the United States, 171,012 of which have resulted in death; and

WHEREAS, the World Health Organization reports that the global COVID-19 case count is 21,989,366 as of August 19, 2020; and

WHEREAS, for the preservation of public health and safety throughout our island, it is necessary to impose strict stay-at-home measures on a temporary basis and to further



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restrict entry into Guam, to ensure that our healthcare delivery system remains capable of serving all our residents infected with COVID-19.

NOW, THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

- 1. STAY-AT-HOME ORDER.** Effective at 12:00PM on Friday, August 21, 2020, and to continue for an initial period through 12:00PM on August 28, 2020, and with the concurrence of DPHSS as expressed in DPHSS Directive No. 34, all persons in Guam are directed to stay at home, subject to limited exceptions such as obtaining food and household necessities, going to and from work at critical businesses, as identified in applicable DPHSS Guidance, seeking medical care, caring for dependents or pets, or caring for a vulnerable person in another location.
 - a. GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam will continue to operate but without public access. All Government of Guam agencies shall suspend all customer service functions, except for those functions critical to the health and safety of the community. Government of Guam employees shall work from home unless their in-person services are deemed critical by their respective agencies.
 - b. CRITICAL BUSINESSES.** All businesses other than those designated as "Critical Businesses" under applicable DPHSS Guidance issued pursuant to this Executive Order, shall close temporarily.
 - c. PROHIBITION ON GATHERINGS AND MANDATORY SOCIAL ISOLATION.** Pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public gatherings or congregations are prohibited.
 - d. EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All places of business or public accommodations shall close and be prohibited from on-site operations.

This prohibition on operations shall not apply to specifically enumerated businesses as set forth in applicable DPHSS Guidance, which shall include the following: health care operations, including home health workers; operation of public transportation and utilities; grocery stores, farmers' markets, drive-through and curbside food sales at restaurants, food delivery, food banks, convenience stores; businesses and non-profit organizations that



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provide for economically disadvantaged individuals and shelter facilities; pharmacies, health care supply stores, and health care facilities; gas stations; garbage collection; and hardware stores, plumbers, electricians, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and other essential businesses.

Other businesses and service providers not specifically mentioned above may request permission to operate from DPHSS. DPHSS may grant such allowance if it determines that the requested service is necessary to assist in the protection of life and health and if such service cannot be delayed for the one (1) week period during which this Order is in effect.

- e. **MANDATORY MITIGATION MEASURES.** All residents must observe strict isolation at home except to conduct critical activities. All businesses and activities permitted to operate under this Order shall be conducted utilizing mitigation measures imposed in applicable DPHSS Guidance including, but not limited to, social distancing of at least six (6) feet and posting of appropriate signage; frequent cleaning of all surfaces; mandating the wearing of face masks; and permitting and encouraging teleworking. Patrons of businesses or activities operating under this Section shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
- f. **DISTANCE LEARNING.** To preserve the health and safety of students, their families, school staff, and the public and to provide continuity of education during the COVID-19 pandemic, pursuant to Section 3317, Article 3, Chapter 3 of Title 10, Guam Code Annotated, all public schools buildings and facilities shall be closed to all employees unless their in-person services are deemed critical by the Guam Department of Education. Instructors may continue providing distance learning services to the extent possible from their homes. Private schools shall be closed to all employees, but instructors may likewise provide distance learning services from home.
- g. **CLOSURE OF PUBLIC PARKS AND BEACHES.** All Government of Guam parks and beaches shall be closed to all activities.

- 2. **RESTRICTING ENTRY INTO GUAM.** Pursuant to Section 3333, Article 3, Chapter 3, Title 10, Guam Code Annotated, all persons entering Guam shall be subject to quarantine pursuant to this Section and Sections 19604 and 19605 of



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Article 6, Chapter 19, Title 10, Guam Code Annotated. Such quarantine will be administered in accordance with applicable DPHSS Guidance and shall occur in a government qualified facility.

3. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

PRIOR ORDERS REMAIN IN EFFECT. All prior Executive Orders remain in effect except to the extent that they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 21st day of August 2020.

Lou Leon Guerrero

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

Attested by:

Joshua F. Tenorio

JOSHUA F. TENORIO

Sigundo Maga'låhen Guåhan

Lieutenant Governor of Guam





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DPHSS DIRECTIVE NO. 34:

**DIRECTIVE OF THE DEPARTMENT OF PUBLIC
HEALTH AND SOCIAL SERVICES**

1. Pursuant to 10 G.C.A. § 19601 *et seq*, I, as the Director of the Department of Public Health and Social Services (“DPHSS”), in an effort to prevent the transmission of COVID-19, and to ensure that all cases of COVID-19 are controlled and treated, **HEREBY DIRECT** as follows:
 - a. All individuals in Guam are directed to stay at home or in their places of residence, subject to DPHSS Guidance Memo 2020-34 or any amendments thereto. With respect to persons residing in hotels, condominiums, townhomes, apartments, or other multi-unit dwellings, “place of residence” means the person’s individual hotel room or unit.
 - b. Certain individuals may leave their home to provide or to avail themselves of services deemed critical under DPHSS Guidance Memo 2020-34 or any amendments thereto. Critical services are identified and designated for the purpose of protecting the health and well-being of all Guam residents during the pendency of this Directive, and to ensure continuity of critical healthcare, government functions, public safety, and supply chain operations so that Guam residents have uninterrupted access to necessities such as food, prescriptions, and health care.
 - c. When individuals need to leave their homes or places of residence to obtain or perform critical services, they should abide by mitigation measures identified in DPHSS Guidance Memo 2020-34 or any amendments thereto, including the wearing of masks and the practice of social distancing.
 - d. It is the finding of DPHSS that this Directive constitutes the least restrictive means necessary to prevent the spread of COVID-19 from infected individuals to non-infected individuals in the community.
 - e. It is further the finding of DPHSS that individuals who violate this Directive may be placing others in danger of death or serious bodily injury from infection to COVID-19.


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2. This Directive shall be effective at 12:00PM on August 21, 2020, and shall continue through 12:00PM on August 28, 2020, unless otherwise directed.

SO ORDERED, this 21st day of August 2020.


ARTHUR U. SAN AGUSTIN, MHR
Acting Director
Department of Public Health and Social Services