

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

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

August 27, 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. 2020-29

Dear Madame Speaker:

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

**EXECUTIVE ORDER NO. 2020-29:
RELATIVE TO EXTENDING PUBLIC HEALTH EMERGENCY AND
MODIFIED STAY-AT-HOME ORDER**

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

Senseramente,


SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Executive Order No. 2020-29

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
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U.S.A.**

EXECUTIVE ORDER NO. 2020-29

**RELATIVE TO EXTENDING PUBLIC HEALTH EMERGENCY
AND MODIFIED STAY-AT-HOME ORDER**

WHEREAS, since March 14, 2020, Guam, like much of the rest of world, has been in a state of emergency in response to the effects of the global pandemic caused by the 2019 novel coronavirus (“COVID-19”); and

WHEREAS, pursuant to Section 19405, Chapter 19 of Title 10, Guam Code Annotated, public health emergencies declared by the Governor of Guam terminate at the conclusion of thirty (30) days unless otherwise extended; and

WHEREAS, since first declaring a public health emergency in Executive Order No. 2020-03, the rising number of cases both locally and globally have caused me to extend the public health emergency six (6) times; and

WHEREAS, Guam has adopted a system of readiness known as Pandemic Conditions of Readiness (“PCOR”) System, which is intended as a guide to decision-making regarding the gradual lifting of restrictions and imposition of mandates; and

WHEREAS, also on April 30, 2020, I declared Guam to be in PCOR 1, and continued the imposition of the most stringent restrictions on social gatherings, prohibitions on non-essential activities, 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, 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, permitting businesses and activities to operate, with exceptions, subject to occupancy limitations and the implementation of mitigation measures, including social distancing and the wearing of face masks; and

WHEREAS, despite the restrictions in place, the number of COVID-19 cases in Guam increased drastically, and on August 16, 2020, Guam reverted to PCOR 1 to try to slow COVID-19’s spread in our community; and

WHEREAS, on August 21, 2020, in response to our island experiencing a severe increase in positive COVID-19 cases, our highest single day total for positive tests as of that date, and our sixth (6th) fatality to COVID-19, I ordered all Guam residents to stay-at-home for an interim one-week period; and

WHEREAS, this Stay-at-Home order instituted the most restrictive conditions, closing all



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businesses and limiting access to government offices except for those deemed critical and prohibiting the use of public spaces like beaches and parks for any purpose; and

WHEREAS, in the six (6) days that have elapsed since the Stay-at-Home Order was instituted, Guam has experienced a surge in positive cases, increasing our total by 343, bringing the number of positive cases to over one thousand (1,000) for the duration of the pandemic, with four (4) more members of our community succumbing to this disease; and

WHEREAS, as of the time of this Order, there are thirty (30) COVID-19 positive individuals hospitalized at Guam Memorial Hospital, which means the hospital is beyond its COVID-19 capacity, and further arrangements must be made to assist with the treatment of these individuals and the anticipated influx of additional COVID-19 patients; and

WHEREAS, a high positivity rate greatly impacts our health care system's ability to safely treat all patients requiring hospitalization for COVID-19 without resorting to crisis standards of care; and

WHEREAS, eighty-two (82) cases of COVID-19 have been identified while under quarantine pursuant to DPHSS Guidance; and

WHEREAS, for the preservation of public health and safety throughout our island, it is necessary to continue strict stay-at-home measures and restrictions on entry into Guam on a temporary basis, to help our healthcare delivery system cope with the increased admissions of residents infected with COVID-19; and

WHEREAS, even as we persist under a continued stay-at-home order, it is necessary to adjust permissible services and activities available to ensure that our residents remain healthy and safe as we weather this difficult time.

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

1. **EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** Effective on Sunday, August 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, and 2020-24, and currently set to expire on August 29, 2020, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on September 30, 2020.
2. **PANDEMIC CONDITION OF READINESS 1.** Guam continues to be in PCOR 1, during which the most restrictive conditions are imposed in an effort to slow the spread of COVID-19 in our community.
3. **STAY-AT-HOME ORDER.** The Stay-at-Home order first issued in Executive Order No. 2020-28 shall be extended and will continue until 12:00PM on September



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4, 2020, unless extended by further order. All persons in Guam are directed to continue stay at home, subject to limited exceptions such as obtaining food and household necessities, going to and from work at authorized businesses as identified in applicable DPHSS Guidance, seeking medical care, caring for dependents or pets, caring for a vulnerable person in another location, or for individual exercise.

- a. **GOVERNMENT OF GUAM OPERATIONS.** The Government of Guam will continue to operate but with limited public access. Government of Guam agencies shall suspend all customer service functions, except for those critical to the health and safety of the community, as identified in applicable DPHSS guidance. Available Government of Guam services shall include the treasury, collections and cashier services and certain permitting services necessary to support critical business functions. Government of Guam employees shall continue to work from home unless their in-person services are deemed critical by their respective agencies.
- b. **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, except as permitted below, are prohibited.
 - i. **Religious Gatherings and Congregations.** Effective at 12:00PM on Saturday, August 29, 2020, religious services and ceremonies may be conducted in parking lots; however, congregants must stay inside their vehicle for the duration of such services, and personal interactions must be avoided except as specifically provided in applicable DPHSS Guidance. Religious organizations and congregants shall additionally observe all mitigation measures imposed in applicable such guidance.
- c. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS.** All places of business or public accommodations shall remain closed and prohibited from on-site operations, except as provided herein.

Effective at 12:00PM on Saturday, August 29, 2020, the 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-thru food and curbside sales at restaurants, banks and credit unions, insurance companies, construction, automobile repair and parts sales, food delivery, food banks, convenience stores; businesses and non-profit organizations that 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



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the safety, sanitation, and essential operation of residences and other essential businesses. Sales of vehicles and real estate operations shall be permitted by appointment only.

- d. **MANDATORY MITIGATION MEASURES.** All residents must observe strict isolation at home, subject to limited exceptions described in this Order and in applicable DPHSS Guidance. All activities permitted 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; the wearing of face masks; and permitting and encouraging teleworking. Individuals patronizing authorized businesses or participating in authorized activities under this Order shall follow all mitigation measures imposed by such businesses in furtherance of DPHSS Guidance.
- e. **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 continue to 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 may likewise continue to provide distance learning services from home.
- f. **PUBLIC PARKS AND BEACHES.** Effective at 12:00PM on Saturday, August 29, 2020, all Government of Guam parks and beaches shall open for individual use for the purpose of exercise, subject to social distancing mandates. In no event shall public parks and beaches be used to congregate or social gather. **Individuals found congregating or socially gathering in public parks or beaches will be subject to removal and/or citation for public nuisance and/or criminal trespass, along with all applicable penalties under Guam law.**
- g. **ENFORCEMENT.** Individuals and businesses who refuse to comply with this Order, may be subject to fines and/or, in the case of businesses, sanctions up to and including the termination of business licenses, as well as any other penalties available under Guam law. The DPHSS and Department of Revenue and Taxation (“DRT”) may issue guidance relative to this Order. DPHSS and DRT shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department and the Guam Fire Department.

4. RESTRICTING ENTRY INTO GUAM. Pursuant to Section 3333, Article 3,



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

5. **PENALTIES FOR QUARANTINE VIOLATIONS TO BE STRICTLY ENFORCED.** Pursuant to Section 19604, Article 6, Chapter 19 of Title 10 Guam Code Annotated, DPHSS is authorized to establish and maintain places of isolation and quarantine and may set rules and make orders with regard to the same. DPHSS has established a strict protocol for government quarantine facilities, as well as self-quarantine for inbound travelers. Failure to comply with DPHSS quarantine and isolation rules, orders or provisions shall constitute a misdemeanor.

Persons subject to isolation or quarantine shall not go beyond the confines of the designated isolation or quarantine premises, including self-quarantine accommodations, and failure to comply with this provision shall constitute a misdemeanor.

No person shall enter isolation or quarantine premises without the express consent of DPHSS, and failure to comply with this provision shall constitute a misdemeanor.

DPHSS may issue additional guidance relative to this Section and will strictly enforce its provisions with the assistance of the Guam Police Department.

6. **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.
7. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 27th 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

Lt. Governor of Guam






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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, 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 are directed to continue to stay at home or in their places of residence, subject to limited exceptions delineated in DPHSS Guidance 2020-36. 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. Individuals may leave their home to provide or to avail themselves of authorized services enumerated in DPHSS Guidance 2020-36, which 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, they should abide by mitigation measures identified in DPHSS Guidance 2020-36, 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.
2. This Directive shall be effective at 12:00PM on August 28, 2020, and shall continue through 12:00PM on September 4, 2020, unless otherwise directed.

SO ORDERED, this 27th day of August 2020.


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