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AUG 21 2020

DPHSS Guidance Memorandum 2020-034

RE: Authorized Critical Businesses and Services During PCOR 1 Relative to Executive Order 2020-28

The purpose of this document is to advise the public of restrictions for business and government operations in accordance with Executive Order No. 2020-28 during the current Pandemic Conditions of Readiness 1 (PCOR 1), which was declared by Executive Order No. 2020-27.

Effective 12:00 PM on Friday, August 21, 2020, and to continue until 12:00 PM on August 28, 2020, this memorandum supersedes all previous Department of Public Health and Social Services ("DPHSS") guidance documents that are in effect, in whole or in parts, including DPHSS Guidance Memorandum 2020-32, which contradict or conflict with Executive Order 2020-28 and this document.

A. Definitions as used in this memorandum:

1. "Congregation" shall mean a meeting or a gathering of more than one person where the individuals are not members of an Immediate Family Unit or Single Household Unit.
2. "Immediate Family Unit" and "Single Household Unit" shall mean individuals within the same family household who may or may not be blood-related, and does not include family members who do not reside in that same household.
3. "Critical Businesses and Services" shall mean:
 - a. Community testing coordinated, performed, led, or otherwise sanctioned by DPHSS;
 - b. Healthcare Operations (including medical and dental clinics; pharmacies; excluding elective outpatient medical and dental procedures, treatments, and therapies);
 - c. Critical Infrastructure;
 - d. Distance learning services;
 - e. Critical Retail Stores;
 - f. Critical Food Establishments;
 - g. Food cultivation, including farming, livestock, and subsistence and commercial fishing (excludes game fishing and charters);
 - h. Businesses and non-profit organizations that provide food, shelter, and social

services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

- i. Newspapers, television, radio, and other media services;
- j. Gas stations;
- k. Hardware stores;
- l. 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;
- m. Businesses providing mailing and shipping services, including post office boxes;
- n. Laundromats, dry cleaners, and laundry service providers;
- o. Businesses that primarily supply products needed for people to work from home;
- p. Trash and recycling collection, processing, and disposal services;
- q. Funeral homes, crematoriums, and cemeteries;
- r. Animal shelters;
- s. Defense and national security-related operations supporting the U.S. Government or a contractor to the U.S. government, including construction operations for such particular purpose;
- t. Businesses that primarily supply other critical businesses with the support or supplies necessary to operate;
- u. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- v. Airlines, taxis, and other private transportation providers providing transportation services necessary for critical activities and other purposes;
- w. Home-based care for seniors or adults;
- x. Residential facilities and shelters for seniors, adults, and children;
- y. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- z. Vehicle and moped rental businesses;
- aa. Building cleaning and maintenance operations (i.e., janitorial services, landscaping services, and pool maintenance);
- bb. Security companies to maintain building access and control and physical security measures;
- cc. Armored cash carriers;
- dd. Distributors, wholesalers, and providers to critical businesses;
- ee. Drive-through service by Eating and Drinking Establishments;
- ff. Food Establishment Curbside Pickup by Eating and Drinking Establishments; and
- gg. Eating and Drinking Establishment contracted to provide meals to government-operated quarantine and isolation facilities.

4. "Healthcare Operations" means:

- a. Hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare

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- 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.
5. "Eating and Drinking Establishments" means businesses, such as restaurants and other food facilities, that prepare and serve food.
 6. "Critical Infrastructure" means 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.
 7. "Critical Items" or "Critical Household Consumer Commodities" means items that are necessary to maintain daily requirements for health, safety, and sanitation for residences, such as pharmaceuticals, cleaning and sanitizing products, personal care products, and other non-grocery products. Other examples include, but not limited to, appliances necessary to cook, heat, freeze, or chill food; fuel for cooking; fans; air conditioners; mattresses; candles; batteries; cookware and utensils; and coolers.
 8. "Critical Retail Stores" means those retail stores that primarily sell Critical Household Consumer Commodities. Determination of commodities available for sale shall be restricted to the authorized operations as stated in the Business License issued by the Department of Revenue and Taxation.
 9. "Face mask" means 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.
 10. "Critical Food Establishments" means businesses, such as grocery stores; certified farmers' markets; farm and produce stands; supermarkets; food banks; convenience stores; and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, livestock and pet food, fresh meats, fish, and poultry.
 11. "Funeral Ceremony" means wakes, visitations, viewings, and/or other funeral services.
 12. "Non-Critical Operations" means businesses, including Non-Critical Retail Stores,

and/or activities not listed under Critical Businesses and Services.

13. "Non-Critical Retail Stores" means retail stores that primarily sell non-critical items and non-critical items which include, but are not limited to:
 - a. Clothing/Shoe stores;
 - b. Luxury goods stores;
 - c. Furniture stores;
 - d. Jewelry stores;
 - e. Kiosks;
 - f. Novelty shops (theme-oriented type of stores);
 - g. Sporting goods stores;
 - h. Vape shops;
 - i. Video stores and rentals; and
 - j. Any other businesses identified as non-essential/non-critical retail stores by the Department of Public Health and Social Services.

14. "Primarily" shall mean at least eighty percent (80%) of merchandise.

15. "Food Establishment Curbside Pickup" shall mean an operation of an Eating and Drinking Establishment that allows customers to receive their food without leaving their vehicle and adheres to the following requirements and restrictions:
 - a. Establishment is to prohibit customers from exiting their vehicles or entering the establishment;
 - b. Establishment delivers the purchased food to the customers' vehicles;
 - c. Establishment directs the customers to turn off any mechanical ventilation (i.e., fan and A/C) of the vehicle before delivering the food;
 - d. Establishment ensures customers are wearing their face mask; and
 - e. Employees of establishments must wash their hands after servicing every customer.

16. "Drive-through service" shall mean an operation of an Eating and Drinking Establishment that allows customers to receive their food without leaving their car and has the following characteristics:
 - a. Orders, payments, and delivery of food are conducted on the premises of the establishment;
 - b. Customers do not park their vehicle but drive in one direction to give food order, make payments, and receive their food;
 - c. Employees do not leave their establishment for any transaction with the customer; and
 - d. Establishment possesses the proper license and permits to operate the business.

B. Authorized Critical Businesses and Services:

1. Critical Businesses and Services (as defined above);
2. Banks and related financial institutions (i.e., payroll, accounting, insurance, check

- cashing, and money transfer operations) **ONLY UNTIL 11:59 PM AUGUST 22, 2020;**
3. Funeral Ceremony (both religious and non-religious); however, such services are restricted to only immediate family unit or a single household unit, not to exceed ten people at any given moment inside a building where the ceremony is being held;
 4. Hotels will be allowed to continue limited operations to allow their guests to stay in their facilities, but non-essential/non-critical operations found on its premises, such as bars, ballrooms, fitness centers, and swimming pools are not permitted to operate; and
 5. 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.
- C. The number of people in any authorized critical business or operation shall be limited to 50% of that building's or business' occupancy load.
- D. Personnel for Critical Businesses and Services shall be limited to those who are needed to provide critical services to maintain basic operations, which include security, payroll, and other similar activities for these business operations.
- E. All businesses shall follow applicable requirements of DPHSS Guidance Memo 2020-29, which does not contradict or conflict with Executive Orders 2020-27 and 2020-28 and this memorandum, for social distancing; cleaning, sanitization, and/or disinfection of surfaces; posting of signs; face masks; and employee health and hygiene.
- F. Businesses and Services Deemed Non-Critical and Not Approved for On-Site Operations.
1. Government of Guam offices providing customer service function and not providing functions critical to the health and safety of the community. Pursuant to Executive Order 2020-28, employees of such agencies and offices are to continue working from home unless designated by the respective agencies as providing critical services;
 2. Non-Critical Retail Stores;
 3. Dine-in services at Eating and Drinking Establishments;
 4. Automobile and bicycle sales;
 5. 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;

6. Curb-side sale of merchandise that are not Critical Items or Critical Household Consumer Commodities;
 7. Child care facilities;
 8. Professional services not explicitly mentioned as Critical Businesses and Services;
 9. Cosmetic establishments;
 10. Theaters and museums;
 11. Dive Shops;
 12. Tourist attraction sites and venues (including fishing and boat charters);
 13. Bars and taverns;
 14. Gymnasiums and fitness centers;
 15. Movie theaters;
 16. Sporting events of all types;
 17. Public swimming pools;
 18. Firing ranges;
 19. Therapeutic massage establishments;
 20. Automobile detailing services (i.e., cleaning, tinting, washing, waxing);
 21. Animal grooming and training facilities;
 22. Travel agencies;
 23. All places of worship;
 24. Real estate services; and
 25. All government of Guam public parks and beaches.
- G. Selling of Non-Critical items and services is strictly prohibited.

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- H. Businesses or services not listed or identified as either “Critical Businesses and Services” or “Businesses and Services Deemed Non-Critical and Not Approved for On-Site Operations” may engage in necessary services, provided:
1. The business meets the following criteria:
 - a. The absence of the item or service for more than 7 days will be injurious to health or life;
 - b. The business is lawfully operating with all the required licenses and permits; and
 - c. The item or service is lawfully approved.
 2. The business submits a written statement to DPHSS describing the business and provides justification and/or proof that it meets above criteria; and
 3. The business obtains a written approval from DPHSS to operate.

Written requests for consideration may be submitted to dphss-deh@dphss.guam.gov.

- I. Congregation is prohibited at all public and private premises.
- J. DPHSS shall enforce this memorandum and Executive Orders 2020-27 and 2020-28 pursuant to relevant provisions of DPHSS Guidance Memorandum 2020-25.

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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