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DPHSS Guidance Memorandum 2021-04

RE: Authorized Businesses and Services During PCOR 2 Relative to Executive Order 2021-03

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. 2021-03 during the current Pandemic Conditions of Readiness 2 (PCOR 2), which was declared by Executive Order No. 2021-01.

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 2021-03, which contradict or conflict with, Executive Order 2021-03 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.

Previously authorized businesses and services operating at 50% of the occupancy load prior to this guidance memorandum may continue to do so.

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

A. Definitions as used in this memorandum:

1. “Congregation” shall mean a gathering of two or more individuals who are not members of an Immediate Family Unit or Single Household Unit.
2. “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.
3. “Single Household Unit” shall mean individuals who may or may not be blood-related, but who reside in that same household.
4. “Critical Government of Guam Agencies” shall mean Government of Guam agencies and departments or its divisions, bureaus, or sections that provide critical services to the health and safety of the community, including critical supporting functions to

such agencies and departments and Authorized Businesses and Services, which includes permitting, title searches and recordation, licensing, treasury, collections, cashiering, procurement, recruitment, utilities, and air and sea port operations.

5. “Authorized Businesses and Services” shall mean:

- a. The following that are authorized to operate at 50% occupancy load:
 - 1) Community testing coordinated, performed, led, or otherwise sanctioned by DPHSS;
 - 2) Healthcare Operations (including medical and dental clinics; pharmacies; excluding elective outpatient medical and dental procedures, treatments, and therapies);
 - 3) Authorized Infrastructure;
 - 4) Authorized Retail Stores;
 - 5) Authorized Food Establishments;
 - 6) Food cultivation, including farming, livestock, and subsistence and commercial fishing;
 - 7) 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;
 - 8) Newspapers, television, radio, and other media services;
 - 9) Gas stations;
 - 10) Automobile, motorcycle, and bicycle supply and repair shops;
 - 11) Construction companies;
 - 12) Hardware stores;
 - 13) 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;
 - 14) Banks, credit unions, and related financial institutions (i.e., establishments providing payroll, accounting, insurance, check-cashing, ATM, and money transfer operations);
 - 15) Businesses providing mailing and shipping services, including post office boxes;
 - 16) Laundromats, dry cleaners, and laundry service providers;
 - 17) Businesses that primarily supply products needed for people to work from home;
 - 18) Trash and recycling collection, processing, and disposal services;
 - 19) Funeral homes, crematoriums, and cemeteries;
 - 20) Animal shelters;
 - 21) Defense and national security-related operations supporting the U.S. Government or a contractor to the U.S. government;
 - 22) Businesses that primarily supply other critical businesses with the support or supplies necessary to operate;
 - 23) Businesses that ship or deliver groceries, food, goods or services directly to residences;

- 24) Airlines, taxis, and other private transportation providers providing transportation services necessary for critical activities and other purposes;
 - 25) Real estate service by appointment only;
 - 26) Sale of automobiles and other motorized vehicles by appointment only;
 - 27) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - 28) Vehicle and moped rental businesses;
 - 29) Building cleaning and maintenance operations (i.e., janitorial services, landscaping services, and pool maintenance);
 - 30) Security companies to maintain building access and control and physical security measures;
 - 31) Armored cash carriers;
 - 32) Distributors, wholesalers, and providers to critical businesses;
 - 33) Drive-through service by Eating and Drinking Establishments;
 - 34) Curbside Pickup by Eating and Drinking Establishments and Other Retail Stores;
 - 35) Take-out Orders by Eating and Drinking Establishments;
 - 36) Outdoor Dining at Eating and Drinking Establishments;
 - 37) Eating and Drinking Establishment contracted to provide meals to government-operated quarantine and isolation facilities;
 - 38) Business operations of firearms or ammunition products and accessories;
 - 39) Passport issuance and other essential services and activities, as determined by DPHSS;
 - 40) Other Retail Stores;
 - 41) Places of worship;
 - 42) Private and public swimming pools;
 - 43) Gymnasiums, fitness centers, and dance studios;
 - 44) Indoor firing ranges;
 - 45) Animal grooming and training establishments by appointment only;
 - 46) Cosmetology Establishments by appointment only;
 - 47) Dive shops by appointment only;
 - 48) Auto wash, detailing, and tinting businesses by appointment only;
 - 49) Photography services by appointment only;
 - 50) Financial planning by appointment only;
 - 51) Advertising and marketing by appointment only;
 - 52) In-Office Consulting by appointment only;
 - 53) Testing for certification, credentialing, licensing, and aptitude is authorized; provided, the number of participants does not exceed 50% of the room's occupancy load; and
 - 54) Others as determined by DPHSS.
- b. Effective 8:00 AM on January 16, 2021, the following businesses and services must not exceed 50% of the occupancy load:
- 1) In-Person Indoor Dining at Eating and Drinking Establishments provided there shall be no more than six (6) persons per table per party,

- with six (6) feet distance between each party;
 - 2) Aquariums, museums, and zoos where the number of each group is limited to no more than twenty-five (25) persons per party;
 - 3) Movie theaters provided there are no food concession sales and no food or drink is to be consumed, and that face masks are worn at all times;
 - 4) Bowling alleys provided there are no food concession sales and no food or drink is to be consumed, and that face masks are worn at all times;
 - 5) Waterparks and other recreational water venues where the number of each group is limited to no more than twenty-five (25) persons per party; and
 - 6) Tourist attraction sites and venues where the number of each group is limited to no more than twenty-five (25) persons per party.
6. “Healthcare Operations” means:
- 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.
7. “Eating and Drinking Establishments” means businesses, such as restaurants and other food facilities that prepare and serve food.
8. “Authorized 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.
9. “Authorized Items” 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.
10. “Authorized Retail Stores” means those retail stores that primarily sell Authorized Items. 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.

11. "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.
12. "Face Shield" means a personal protective equipment designed and worn to protect the wearer's entire face from hazards or potentially infectious materials.
13. "Authorized 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.
14. "Funeral Ceremony" means wakes, visitations, viewings, burial, and/or other funeral services.
15. "Non-Authorized Operations" means businesses and/or activities not listed under Authorized Businesses and Services.
16. "Other Retail Stores" means retail stores, including shopping centers and malls that primarily sell Non-Essential Items.
17. "Non-Essential Items" means merchandise and service that 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. Cigar stores;
 - j. Video stores and rentals; and
 - k. Any other businesses and services identified as Non-Authorized Retail Stores by the Department of Public Health and Social Services.
18. "Primarily" shall mean at least eighty percent (80%) of the merchandise.
19. "Curbside Pickup" shall mean an operation of a business that allows customers or clients to receive their item without leaving their vehicle.

20. "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.
21. "Take-Out Orders" 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.
22. "Cosmetology Establishment" shall mean businesses that provide 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 includes therapeutic massage establishments and tattoo shops, and:
- a. Prohibits walk-ins;
 - b. Prohibits waiting rooms (customers must wait in their vehicles);
 - c. Separate rooms are utilized or workstations must be 6 feet apart;
 - d. The employee servicing the customer wears a face mask and a face shield;
 - e. Cosmetology Establishments comply with DPHSS Guidance Memorandum 2020-26;
 - f. Therapeutic massage establishments comply with DPHSS Guidance Memorandum 2020-22; and
 - g. A written record is maintained, which provides the following information that must be readily available to DPHSS, when requested:
 - 1) Date and time of the visit;
 - 2) Name of the individual(s);
 - 3) Assigned staff and table or workstation; and
 - 4) Phone and/or email.
23. "Dining Services" at Eating and Drinking Establishment shall have the following requirements:
- a. General Requirements for In-Person Indoor Dining and Outdoor Dining.

- 1) Adherence to the Guam Food Code;
 - 2) Customers must wear face masks when speaking with the employees;
 - 3) ;All tables between different parties must be at least 6 feet apart or have a physical barrier between the parties which is of sufficient height and width;
 - 4) All indoor and outdoor diners must be seated at all times in their chairs;
 - 5) All orders and payments must be taken by a wait staff from dine-in customers at their tables;
 - 6) Except for take-out orders and cafeteria-style dining establishments (food employees serving food at the counter), diners should not be permitted to walk up to the eating and drinking and/or bar counter to place orders. All service counters should have appropriate physical barriers between food employees and diners;
 - 7) Diners must remain seated while dining at Eating and Drinking Establishments and other public venues except when using the restroom;
 - 8) All customers are permitted to enter the establishment to use the restrooms; and
 - 9) A written record is maintained, which provides the following information that must be readily available to DPHSS, when requested:
 - a. Date and time of the visit;
 - b. Name of the individual(s);
 - c. Assigned server and table;
 - d. Number of people; and
 - e. Phone and/or email.
 - 10) The business must verify the name of the individual and maintain this record for a period of 30 days from the date of service.
- b. "In-Person Indoor Dining" Requirements.
- 1) Dining service is held indoors at Eating and Drinking Establishment
 - 2) In-Person Indoor Dining is limited to 50% of the occupancy load with no more than six (6) persons per table per party, with six (6) feet distance between each party.
- c. "Outdoor Dining" Requirements.
- 1) Dining service is held outdoors at Eating and Drinking Establishments.
 - 2) Outdoor dining is limited to no more than fifteen (15) persons per table per party, with six (6) feet distance between each party.
 - 3) The dining area may be covered to protect from the elements but shall not be enclosed by more than two walls.
24. "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 In-Person Indoor Dining, Outdoor Dining, and/or take out only;
 - b. All common areas that promote congregation are closed; and
 - c. All Authorized Businesses and Services within shopping centers or malls must comply with specific DPHSS guidance memorandums related to the associated Authorized Businesses and Services.

25. “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.
26. “Organized Sports Non-Contact Training” means a non-impromptu, planned sports activity where participants can readily maintain 6 feet distancing during training, practice, or try outs.
27. “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.
28. “Child Care Facilities” means any facility or home licensed 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.

B. Authorized Businesses, Services, and Activities.

1. Authorized Businesses and Services (as defined above).
2. Effective Tuesday, January 19, 2021, all Government of Guam offices, agencies, and departments shall recommence any public operations still suspended at 50%, including making accommodations for walk-in services with emphasis on customer facing services provided such offices, agencies, and departments 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).
3. Effective 8:00 AM, January 11, 2021, government of Guam social workers and other human services personnel are authorized to conduct home visitations for the purpose of ensuring that social, educational, and human services are properly provided to members of the community; and that
 - a. In as much as possible, there is no direct physical contact between the social workers/human services personnel and the client(s);
 - b. 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;
 - c. Practice social distancing of not less than 6 feet is maintained; and
 - d. Face masks are worn at all times.
4. Effective 8:00 AM, February 01, 2020, congregation is permitted and shall be limited to no more than twenty-five (25) persons.
5. Effective 8:00 AM, February 01, 2020, Government of Guam parks and beaches

shall be open to the public and congregations shall be limited to no more than twenty-five (25) persons.

6. Effective 8:00 AM, December 20, 2020, any congregation authorized herein must maintain social distancing of not less than 6 feet from any other individual or congregation and all persons must 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.
7. Running, walking, biking, and other recreation and non-contact exercise is authorized on public roadways, beaches, and parks, provided there are no more than twenty-five (25) persons per group.
8. Recreational boating by single household unit, and boat charters, where 6 feet distancing can be maintained by everyone on board, is authorized. Boat charters may not permit congregations that exceed twenty-five (25) persons.
9. Effective 8:00 AM, December 20, 2020, Organized Sports Non-Contact Training is authorized; provided, 6 feet distance is maintained, including while occupying a vehicle (i.e., golf cart) or in an enclosed space, and:
 - a. There is no direct contact between participants;
 - b. If held indoors, it 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) persons per spectator group; and
 - d. Non-participants (i.e., instructors, employees, and parents) must wear face mask.
10. 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 twenty-five (25) individuals; and
 - d. Specific to golfing, each golfer shall ride in a separate cart.
11. Effective 6:00 AM, January 18, 2021, 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. Adheres to DPHSS Guidance Memorandum 2021-02; (Minimum Requirements for In-Class Operations of K-12 Schools and Institutions of

- Higher Education) and any additional requirements as DPHSS deems necessary.
- b. Distance learning by schools and its supporting activities is authorized, which include curbside pick-up, delivery of materials and documents, and teachers utilizing their classrooms to conduct virtual classes.
 - c. In-person instruction guidelines and protocols approved for the re-opening of schools.
12. Effective 8:00 AM, January 16, 2021, amusement parks, bingo halls, game rooms, and similar businesses and activities at 50% of the room's occupancy load is authorized.
13. Effective 8:00 AM, December 15, 2020, religious activities and Places of Worship is authorized and:
- a. Must 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.
14. Hotels will be allowed to continue limited operations to allow their guests to stay in their facilities, but bars and other activities prohibited in this document are not permitted to operate
- a. Hotel ballrooms are allowed to operate under the following conditions:
 - 1) Must adhere to DPHSS Guidance Memorandum 2020-12 Revision 3 (Guidance for Dine-In Restaurants; Updated)
 - 2) Must adhere to requirements as stated in the most recent DPHSS Guidance Memoranda for dining services and in-person indoor dining.
 - 3) The use of each ballroom shall be restricted to a single public or private reservation to celebrate functions (i.e., anniversaries, birthdays, weddings, graduations) where the total number of guests are limited to no more than twenty-five (25) individuals.
15. 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.

16. Effective 8:00 AM, December 24, 2020, 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. No more than twenty-five (25) individuals per group at poolside who must remain 6 feet distance if not from the same household.

 17. Effective 8:00 AM, December 20, 2020, gymnasiums, fitness centers, and dance studios at 50% of the room's occupancy load is authorized; provided:
 - a. It adheres 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 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.

 18. Effective 6:00 AM, October 5, 2020, Child Care Facilities is authorized; provided, it adheres to DPHSS Guidance Memorandum 2020-20 and the "Rules and Regulations Governing Child Care Facilities."
- C. All businesses shall follow applicable requirements of DPHSS Guidance Memorandum 2021-03, which does not contradict or conflict with Executive Orders 2020-27 through 2020-41 and 2020-43 through 2020-46 and 2021-01, and this memorandum, for social distancing; cleaning, sanitization, and/or disinfection of surfaces; posting of signs; face masks; and employee health and hygiene.
- D. All businesses that require servicing via appointment, as noted in this document, shall maintain a written record, which provides the following information that must be readily available to DPHSS, when requested:
1. Date and time of the visit;
 2. Name of the individual(s);
 3. Assigned staff and/or table or workstation; and
 4. Phone and/or email.
 5. The business must verify the name of the individual and maintain this record for a period of 30 days from the date of service.
- E. Businesses and Services Not Authorized for On-Site Operations.
1. Reservations to celebrate private functions (i.e., anniversaries, birthdays, weddings, graduations) at Eating and Drinking Establishments and other public venues where the total number of guests exceed twenty-five (25) individuals.
 2. Boat charters for congregations that exceed twenty-five (25) individuals;
 3. Bars and taverns;

4. Contact sporting events of all types and non-contact sports competition or organized games;
 5. Senior Centers; and
 6. Other businesses and services identified by the DPHSS.
- F. 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 PCOR2plans@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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