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DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
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Enforcement of Executive Order 2021-21

The Department of Public Health and Social Services would like to advise the public that effective September 06, 2021, the Department's Division of Environmental (DEH) will begin actively enforcing the provisions of Executive Order (E.O.) 2021-21, which requires Covered Establishments and contact sports to verify COVID-19 vaccinations of patrons and participants. In addition to the vaccination requirements, congregations have been reduced to 10 vaccinated individuals for indoor gatherings and 25 vaccinated individuals for outdoor gatherings. Enforcement will be conducted with the assistance of the Guam Police Department.

In an effort to limit the spread of COVID-19, and for the sake of the public's health and safety, the Department would like to remind the public and the industry of the importance of mask-wearing to minimize the spread of the virus that causes COVID-19.

Attached is the Frequently Asked Questions to assist the community in better understanding and complying with E.O. 2021-21.

To report any potential violations of E.O. 2021-21, please contact the Division of Environmental Health at 300-9579, Monday through Friday, except recognized government holidays, 8:00 am to 5:00 pm, or via its email at dphss-deh@dphss.guam.gov.


ARTHUR U. SAN AGUSTIN, MHR
 Director

Attachment

FREQUENTLY ASKED QUESTIONS

DPHSS Guidance Memorandum 2021-21 Division of Environmental Health Department of Public Health and Social Services

1. How would I know if my establishment meets the definition of a Covered Establishment?

The list of Covered Establishment is provided on Section A.6. of DPHSS Guidance Memorandum 2021-21, as follows:

- a. Bingo halls;
- b. Boat cruises;
- c. Bowling alleys;
- d. Concerts and similar events;
- e. Eating and Drinking Establishments with in-person, indoor/outdoor dining, except the following:
 - i. Eating and drinking establishments in schools, grades pre-K to 12, subject to DPHSS Guidance Memo 2021-21;
 - ii. Mobile food service establishments (MFSE) and Temporary Food Service Establishment (TFSE), provided, it is not part of an organized event and/or seating for dining purposes is not provided; and
 - iii. Catering establishments that provide off-site services at a private or public venue and is employed by an event organizer.
- f. Food courts at Shopping Centers or Malls, except the food courts located in the terminal building of the international airport for travelers screened by security, including passengers who are transiting, delayed, or departing Guam;
- g. Gymnasiums, fitness centers, and dance studios;
- h. Movie theaters;
- i. Organized contact sports for training and competition, except school-sanctioned events as provided in DPHSS Guidance Memo 2021-21;
- j. Swimming pools;
- k. Theaters and museums; and
- l. Other Covered Establishments determined by DPHSS.

2. Does a food retailer such as a grocery store, warehouse, or other food market need to check for proof of vaccination?

No, unless seating is provided for patrons. For example, a grocery store that provides tables and chairs for patrons to sit and eat must check proof of vaccination for any patrons who use that area.

3. Are all establishments required to maintain a contact log of patrons?

No. Only the following establishments are required to maintain contact logs of patrons, including third-party vendors (i.e., suppliers/delivery staff that enter the premises), pursuant to DPHSS Guidance Memo 2021-21:

- a. All Eating and Drinking Establishments with indoor or outdoor dining;
- b. Childcare Facilities;
- c. Cosmetology Establishments (barbershop, beauty salons, therapeutic massage); and
- d. K-12 schools.

4. What information should be included on the establishment's contact log sheet?

- a. Date and time of visit
- b. First and last name of each individual
- c. Contact information (phone number or email address)

Contact logs must be maintained and kept on file for a period of 30 days from the date of service and must be readily available to DPHSS upon request.

5. Who are required to show proof of vaccination?

Guests, patrons, performers, employees, volunteers, participants, and coaches at Covered Establishments must show proof of vaccination. Covered Establishments may keep a record of people who have previously provided proof of vaccination, rather than require the proof be displayed every time the person enters the establishment, provided that such Covered Establishments maintain a record of the individuals' visits for contact tracing purposes.

6. Are individuals allowed to use the restroom or locker room without showing proof of vaccination at a Covered Establishment?

No. Covered Establishments must verify vaccination status of each individual who intends to use the bathroom or locker room on their premises.

7. Does a Covered Establishment need to check proof of vaccination for suppliers or vendors?

No. Covered Establishments do NOT need to check proof of vaccination for individuals making deliveries or pickups, or for individuals picking up items such as food for takeout or delivery. However, these individuals must wear a face mask at all times.

8. May a Covered Establishment adopt a stricter policy than what is required in the Executive Order or DPHSS Guidance Memo?

Yes. The Executive Order and DPHSS Guidance Memo provide minimum requirements that Covered Establishments must comply with in order to operate. Establishments may choose to implement stricter policies, subject to existing legal restrictions. This information is not intended to serve as legal advice and should not be construed as legal advice. Covered Establishments should seek the advice of an attorney with regard to adoption of vaccination policies.

9. Does a Covered Establishment need to verify vaccination status for everyone?

Yes. Covered Establishments must verify vaccination status of anyone appearing to be 12 years and 1 month of age or older.

10. If the establishment is not listed as a Covered Establishment, are the employees required to provide or show proof of vaccination?

No. Only those that are listed as a Covered Establishment are required to implement and enforce the proof of vaccination requirement for employees (and patrons).

11. Do employees/patrons need to be fully vaccinated?

No. Executive Order 2021-21 and DPHSS Guidance Memo 2021-21 require employees or patrons who will be occupying a Covered Establishment to be vaccinated with at least the first shot of a recommended series of a U.S. Food and Drug Administration (FDA) authorized COVID-19 vaccine, or by the World Health Organization. Alternatively, employees may submit to weekly testing as provided in Executive Order 2021-21 and DPHSS Guidance Memo 2021-21.

12. If an employee of a Covered Establishment has not received any COVID-19 vaccine, is he/she required to get weekly testing?

Yes.

13. Will an employee who received an approved exemption from DPHSS still be required to get weekly testing?

Yes. However, DPHSS will consider, in very limited circumstances, medical exemptions from both vaccinations and weekly testing.

14. Can businesses conduct the weekly test for employees by using an over-the-counter COVID-19 test kit?

Not at this time.

15. Are there exemptions for wearing a face mask?

No. However, DPHSS Guidance Memo 2021-21 lists the following activities when individuals may remove masks temporarily:

- a. When actively eating or drinking;
- b. When engaged in physical activity, such as exercise or sports, including indoor gyms;
- c. For children less than 2 years of age; and
- d. When a mask would create a risk to an individual's health, safety, or job duty (such as a singer performing live and those playing wind instruments).

16. Are patrons allowed to remove their masks when singing karaoke or dancing in a club?

No. Patrons may only remove their masks during activities listed in DPHSS Guidance Memo 2021-21, such as when engaged in physical activity (i.e., sports/exercise), when actively eating or drinking, or when a mask would create a risk to an individual's health, safety, or job duty.

17. If I go to a public beach with family and friends, are we still required to wear masks even if its outdoors?

Yes. Unless engaged in activities such as exercise or sports, or while actively eating or drinking, individuals must wear face masks at all times.

18. Since self-attestation is an acceptable proof of vaccination:

a. Are establishments liable if patrons provide misleading information?

No. The establishment's responsibility when accepting self-attestation as a proof of vaccination is to have the patrons sign the self-attestation form (DPHSS Form SA-01) and keep it on file for a period of 30 days from the date it was signed. Such records must be made readily available to DPHSS, upon request.

b. I self-attested that I have received at least one dose of the COVID-19 vaccine, but some establishments refuse to accept self-attestation or they require to present a written document (i.e., shot record) as proof of vaccination. Are they in violation for not accepting my self-attestation as a proof of vaccination?

No. The Governor's Executive Order 2021-20 and DPHSS Guidance Memorandum 2021-21 provide businesses the minimum requirements to operate during the COVID-19 public health emergency. Businesses are permitted to implement more stringent protocols in the prevention of COVID-19, subject to legal restrictions. This information is not intended to serve as legal advice and should not be construed as legal advice.

19. Are non-contact sports affected by the congregation limit?

Yes. Organizers of sporting events must ensure that no more than 10 vaccinated individuals for indoor activities and no more than 25 vaccinated individuals for outdoor activities are seated or grouped together. Organizers of non-contact sporting events are not required to check individuals' vaccination status, as organized, non-contact sport events are exempted from this requirement. Non-organized, contact sport activities, such as "pick-up games" at a public park, are considered congregations and should be limited to no more than 10 vaccinated individuals indoors and no more than 25 vaccinated individuals outdoors.

20. If I want to have a party at my private residence, what are the restrictions?

A congregation is a meeting or social gathering of more than one person from different households. The organizer or host must ensure that all attendees are vaccinated, and there shall be no more than 10 vaccinated people indoors, and no more than 25 vaccinated people outdoors. Combination of the two, inside and outside, is prohibited.

21. Are we able to hold multiple sessions for one event, where each group is limited to 10 vaccinated individuals indoors and/or 25 vaccinated individuals outdoors, but scheduled at different times?

Yes. This is allowed provided that individuals in a group do not intermingle with individuals in another group, such as in sports tournaments where players from one group play against players from another group.

22. Can Covered Establishments hold concerts and similar events on their premises at 100% occupancy, provided they separate groups or tables by a minimum of 6-foot physical distance?

Concerts and similar events are considered congregations and social gatherings, and must be limited to no more than 10 vaccinated individuals indoors and no more than 25 vaccinated individuals outdoors for the whole event at this time, regardless of the occupancy rate of the premises.

23. Are unvaccinated children 12 years and one month of age counted in the congregation restrictions of 10 vaccinated individuals indoors or 25 vaccinated individuals outdoors?

At this time, children less than 12 years and one month of age are not eligible for vaccination and should not be included in the count.

24. Are food truck events affected by the congregation limit?

It depends on whether the food truck event is organized or not. An organized event is when there is a temporary gathering of two or more food trucks for an occasion or an activity that occurs in a defined location during a specific time.

For unorganized food truck events, congregation limits are not applicable, unless food truck operator provides tables and chairs for customers. If tables and chairs are provided, the food truck owner/operator must ensure that no more than 10 vaccinated indoors and no more than 25 vaccinated individuals outdoors are using their tables and chairs.

Organizers of food truck events must ensure that no more than 10 vaccinated individuals for indoor activities and no more than 25 vaccinated individuals for outdoor activities are seated or grouped together at any time during the whole event.

25. Are businesses and organizations allowed to conduct meetings at Covered Establishments, such as hotel ballrooms? Will they be limited to the congregation restrictions?

Depending on the situation, as businesses and organizations may conduct meetings at Covered Establishments without the congregation limit of 10 vaccinated individuals indoors and 25 vaccinated individuals outdoors if food or drinks are not provided. If food or drinks are provided, then the congregation limits of no more than 10 vaccinated individuals indoors and no more than 25 vaccinated individuals outdoors apply.

26. Are business meetings considered a social gathering?

Business meetings that are held in their place of business (i.e., office) for the purpose of carrying out official business are not considered a social gathering or congregation, provided that all participants wear face masks at all times and food/drink is not served onsite.

27. Can a business or organization conduct a fundraising event or business dinner at a public or private venue? Can we put 10 vaccinated individuals per table?

Special events of businesses, organizations, or government agencies that is not a part of their official function must adhere to the congregation limitation for indoor and outdoor activities. Businesses, organizations, or government are exempted from the congregation limit if the meeting or event is held for the purpose of carrying out official business, provided that food and drinks are not provided onsite.

28. Can I reserve two (2) tables for 20 people wherein each table will seat 10 vaccinated individuals and will be distanced 6-feet apart?

No. Covered Establishments are prohibited from accommodating more than 10 vaccinated individuals from the same group to circumvent the limitations on congregation or social gatherings as provided in DPHSS Guidance Memo 2021-21.

29. Are group classes at gyms/dance studios limited to 10 vaccinated individuals indoors, including the instructor?

Yes. Indoor gym classes and dance studios must not allow more than 10 vaccinated individuals, including instructors per room.

30. Are funerals affected by the congregation limit?

No. DPHSS Guidance Memo 2021-21 provides an exemption for funerals, and thus, these are not considered a social gathering or congregations, provided that food or drinks are not consumed onsite.

31. Are Places of Worship affected by the congregation limit?

Executive Order No. 2021-21 allows Places of Worship to continue services, ceremonies, and operations, but they must strictly comply with the requirements in DPHSS Guidance Memo 2021-18 for mask wearing, cleaning and disinfection, hand washing/hand sanitizing, and respiratory etiquette.