



GOVERNMENT OF GUAM

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**February 25, 2022**

**DPHSS Guidance Memorandum 2022-09**

**RE: Amendments on Vaccination Requirements, Social Gathering Restrictions, and Sports Events Relative to Executive Orders 2021-20, 2021-29, 2021-31, and 2022-03**

The purpose of this document is to amend vaccination requirements in accordance with Executive Orders No. 2021-20, 2021-29, 2021-31, and 2022-04.

This guidance document (the "Memorandum") rescinds Department of Public Health and Social Services ("DPHSS") Guidance Memorandum 2022-05, 2022-06, and 2022-08 and supersedes all previous DPHSS guidance documents that are in effect, in whole or in part, including DPHSS Guidance Memorandum 2021-18 which contradict or conflict with Executive Orders No. 2021-20, 2021-29, 2021-31, 2022-04 and this document. DPHSS issues this guidance pursuant to the *Islan Guåhan Emergency Health Powers Act*, in particular, 10 GCA §19601, which provides that DPHSS shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment.

This Memorandum provides minimum requirements that Covered Establishments must comply with in order to operate. Covered Establishments may implement stricter policies, including but not limited to vaccination requirements, physical barriers, social distancing, and limited occupancy, subject to local and federal law. 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.

This memorandum is effective 6:00 a.m., February 26, 2021.

**A. Definitions**

1. "Congregation" or "Social Gathering" shall mean a meeting for a common and singular purpose of more than one person where the individuals are not members of an Immediate Family Unit or Single Household Unit. This does not include Funeral Ceremony (both religious and non-religious); and regular operations in places of worship; and meetings of businesses, organizations, or government agencies held for the purpose of carrying out official business of such entities in their place of business or off-site (including Covered Establishments).

2. "Contact Log" shall mean a written record of an individual's name, contact information (phone number/email), date, and time of visit.
3. "Covered Establishment" shall mean the indoor and outdoor premises of the following establishments where mask-use may be compromised:
  - 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;
    - ii. Mobile Food Service Establishments (MFSE) and Temporary Food Service Establishment (TFSE), provided, such 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.
  - 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;
  - j. Swimming pools;
  - k. Theaters and museums; and
  - l. Other Covered Establishments determined by DPHSS.
4. "Eating and Drinking Establishment" shall mean a business that prepares and serves food and/or beverage, such as a restaurant, bar, or tavern that possesses a Sanitary Permit from DPHSS.
5. "Employee" shall mean any person employed for compensation or otherwise by a business or organization, including, but not limited to, performers, volunteers, contractors, and subcontractors.
6. "Face Mask" shall mean a 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(s), valve(s), or any device that allows unfiltered release of exhaled breath are highly discouraged.
7. "Funeral Ceremony" shall mean rosaries, wakes, visitations, viewings, burial, and/or other funeral services.

8. "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.
  
9. "Non-Contact Sports" shall mean sports that can be conducted while substantially maintaining appropriate social distancing, and any direct contact amongst participants are incidental to the activity. The following are non-contact sports and are not covered under this Memorandum:
  - a. Baseball;
  - b. Board sports (bodyboarding, longboarding, skateboarding, surfing);
  - c. Cricket;
  - d. Croquet;
  - e. Cross country;
  - f. Cue sports (carom billiards, pool, snooker);
  - g. Cycle sports (BMX, mountain bicycling, road bicycling);
  - h. Darts;
  - i. Golf;
  - j. Gymnastics;
  - k. Motorsports (ATVs, drifting, motorcycles, track racing);
  - l. Paddling sports (kayaking, stand up paddling);
  - m. Racket sports (badminton, table tennis, tennis);
  - n. Shooting sports (archery, practical shooting);
  - o. Softball;
  - p. Strength sports (bodybuilding, powerlifting, strongman, weightlifting);
  - q. Track and Field;
  - r. Volleyball;
  - s. Water sports (diving, fishing);
  - t. Any other sport determined as non-contact by the Department of Public Health and Social Services.
  
10. "Organized Contact Sports" shall mean a sports activity, either for training or competition, that requires close proximity (i.e., within 6 feet) between players and may make it more difficult to maintain physical distancing. Examples include, but are not limited to, wrestling and basketball.
  
11. "Outdoor" shall mean an open area that may be covered to protect from the elements but shall not be enclosed by more than two walls.
  
12. "Shopping Center or Mall" shall mean a large building, usually indoors, that holds a group of businesses and services.
  
13. "Single Household Unit" shall mean individuals who may or may not be blood-related, but who reside in that same household.

14. "Vaccination" shall mean having received the first shot of a recommended series of vaccination with a vaccine authorized to prevent COVID-19 by the U.S. Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO). A list of FDA-authorized vaccines is available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>. A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.

## **B. Vaccination Requirements**

Scholastic sports events and competitions are to follow the guidance outlined in DPHSS Guidance Memorandum 2021-23 (RE: School Resumption of In-Person Learning for Pre-K to 12 Relative to Executive Order 2021-23).

## **C. Congregations and Social Gatherings**

1. Congregations and social gatherings shall be limited to no more than twenty-five (25) persons for indoor activities, or no more than one hundred (100) persons for outdoor activities, unless otherwise provided in this Memorandum. This shall include patrons, guests, participants, vendors, and employees.
2. Organizers of events, such as sporting events, concerts, outreach activities, night markets, fiestas, food truck rallies, and other similar events are responsible for implementing and enforcing the minimum requirements in this document.
3. Children under twelve (12) years and (1) one month of age may attend social gatherings.
4. A party/group of individuals numbering twenty-six (26) or more for indoors, or one hundred and one (101) or more for outdoors, shall not attend or participate in the same event by claiming to be a separate party/group to circumvent Executive Orders No. 2021-20, 2021-29, 2021-31, and 2022-03 and this Memorandum.
5. The provisions stated in this Section shall apply to congregations and social gatherings in all public and private settings, including Covered Establishments, unless expressly exempted in this Memorandum.

## **D. Covered Establishments shall follow applicable requirements of DPHSS Guidance Memorandum 2021-18, which does not contradict or conflict with Executive Orders No. 2021-20, 2021-29, 2021-31, and 2022-03 and this Memorandum, for face masks; cleaning, and disinfection of surfaces; and handwashing and respiratory etiquette.**

1. Covered Establishments shall implement and enforce wearing of face masks by all individuals ages 2 years and older, including guests, patrons, performers, employees,

volunteers, participants, and coaches at all times while on their indoor and outdoor premises, except when:

- a. Actively eating or drinking;
- b. Engaged in physical activity, such as exercise or sports; and
- c. A mask would create a risk to an individual's health, safety, or job duty, such as during live singing performances, playing wind instruments, and similar activities.

2. Contact Logs are not required of any establishments, including Covered Establishments.

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](mailto:dphss-deh@dphss.guam.gov).

  
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