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DPHSS Guidance Memorandum 2021-19

RE: Vaccination Requirements for Establishments, Activities, and Organized Sports Relative to Executive Order 2021-19

The purpose of this document is to advise the public of the vaccination requirements for businesses, services, and activities in accordance with Executive Order No. 2021-19 during the current Pandemic Condition of Readiness 3 (PCOR 3), which was declared by Executive Order No. 2021-16 on July 21, 2021. It is issued in furtherance of DPHSS's authority as provided in 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 guidance document (the "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 2021-18, which contradict or conflict with, Executive Order 2021-19 and this document.

All businesses are strongly encouraged to require their employees and patrons to download the Guam COVID Alert app and encourage teleworking when practicable. The enforcement of these provisions will commence on Monday, September 6, 2021.

A. Definitions

For purposes of this Memorandum, the following terms have the meanings given below:

1. "Congregation" or "Social Gathering" shall mean a meeting for a common and singular purpose of more than one (1) person where the individuals are not members of an Immediate Family Unit or Single Household Unit.

2. "Contact Logs" shall mean a written record of an individual's name, contact information (phone number/email), date, and time of visit. This record must be maintained for a period of 30 days from the date of service and must be readily available to DPHSS, when requested.

3. "Contact Sports" shall mean a sport in which physical contact between participants is expected and part of the activity.

4. "Covered Establishment" includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

5. "Eating and Drinking Establishments" 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.

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. "Face Shield" shall mean a personal protective equipment designed and worn to protect the wearer's entire face from hazards or potentially infectious materials. Face shields may be used in addition to a face mask. Face shield shall not be worn in lieu of a face mask.

8. "Fully Vaccinated" and "Full Vaccination" shall mean two weeks after completing the entire recommended series of vaccination (usually one or two doses) 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). For example, as of the date of issuance of this Memorandum, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine, or two weeks after receiving the single dose Johnson & Johnson's Janssen COVID-19 vaccine. 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.

9. "Funeral Ceremony" means wakes, visitations, viewings, burial, and/or other funeral services.

10. "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.

11. "Single Household Unit" shall mean individuals who may or may not be blood-related, but who reside in that same household.

12. "Shopping Center or Mall" shall mean a large building, usually indoors, that holds a group of businesses and services.

13. "Swimming Pool" means any artificial structure, basin, chamber, or tank constructed of impervious material used or intended to be used for public swimming, diving, or recreational bathing and possesses a Sanitary Permit with DPHSS.

B. Vaccination Requirements

1. The following establishments and activities (referred to as Covered Establishments) shall require all individuals, including staff, patrons, participants, and coaches, age twelve (12) and older to show proof that they are fully vaccinated to enter their facilities or premises:
   a. Boat cruises;
   b. Bowling alleys;
   c. Concerts and similar events;
   d. Eating and Drinking Establishments with in-person, indoor/outdoor dining, except those in school building facilities;
   e. Food courts at Shopping Centers or Malls;
   f. Food service at funeral ceremony;
   g. Gymnasiums, fitness centers, and dance studios;
   h. Movie theaters;
   i. Organized contact sports and competition;
   j. Swimming pools;
   k. Theaters and museums; and
   l. Other Covered Establishments determined by DPHSS.

2. The following are acceptable proof of Full Vaccination:
   a. CDC vaccination card, which includes name of person vaccinated, type (name) of vaccine provided, and date of the last dose administered, or similar documentation issued by another foreign governmental jurisdiction;
   b. Photo or copy of a vaccination card as a separate document;
   c. Photo of the vaccination card stored on a phone or electronic device;
   d. Documentation of vaccination from a healthcare provider;
   e. Printed WEB-IZ documentation of vaccination information;
   f. Personal digital COVID-19 vaccine record or similar documentation issued by another State, local, or foreign governmental jurisdiction; or
   g. Other proof as approved by DPHSS.

3. Covered Establishments shall not accept written self-attestation as proof of Full Vaccination.

4. Prior to entry into the facility, Covered Establishments must verify the Full Vaccination of each individual.

5. Covered Establishments are prohibited from serving any individual who fails to provide proof of Full Vaccination.

6. Organizers of sporting events must refuse to allow coaches and participants under the age of twelve (12) who fail to show proof of Full Vaccination from participating in any contact sports or competitions.

7. Individuals who do not provide proof of full vaccination as required herein, may not use indoor or outdoor portions of such facilities, except in the following situations, provided such individual wear a face mask properly:
   a. To order, pick up, or pay for food or drink for take-out orders; and/or
   b. To use a restroom.

8. Subject to the exceptions below, and any applicable federal or local laws requiring accommodation, Covered Establishments must ensure that all staff who routinely work onsite provide proof that they are Fully Vaccinated before entering or working in any facility by September 27, 2021.
   a. Consistent with applicable privacy laws and regulations, Covered Establishments must maintain records of staff vaccination or exemption status, and provide these records to DPHSS promptly upon request, and in any event no later than the next business day after receiving the request.
   b. Individuals who enter or work in a Covered Establishment on an intermittent or occasional basis or for short periods of time, such as individuals who deliver goods or packages, are not subject to the requirements stated herein.

9. Individuals seeking medical or religious exemption shall submit an official request with supporting document(s) to publichealth@dphss.guam.gov, or delivered to Immunization Program of DPHSS, located in Castle Mall, Unit #9, 130 University Drive, Mangilao, Guam 96913, from 8:00 am to 12:00 pm., Monday through Friday except recognized Government of Guam holidays.

C. Signage

1. For Patrons
   Covered Establishments must post a sign in a conspicuous place that is viewable by prospective patrons prior to entering the establishment. The sign must alert patrons to the vaccination requirement in this Memorandum and inform them that staff and patrons are required to be vaccinated.

2. For Staff
   Covered Establishments are required to post signs in employee break rooms or similar areas informing staff that they are required to provide proof of Full Vaccination, and informing them how to obtain additional information about getting vaccinated.

D. Congregations and Social Gatherings

1. Congregations and social gatherings shall be limited to no more than one hundred (100) fully vaccinated persons.

2. Unvaccinated individuals ages twelve (12) and older may not participate in social gatherings with individuals who are not members of their household.

3. Children under the age of twelve (12) may attend social gatherings.

E. All Covered Establishments shall follow applicable requirements of DPHSS Guidance Memorandum 2021-18, which does not contradict or conflict with Executive Order 2021-19 and this Memorandum, for face masks; contact logs; cleaning, and disinfection of surfaces; and handwashing and respiratory etiquette. Contact logs shall include list of each individual's name, contact information (phone number and/or email), date, and time of visit.

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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Director