



OFFICE OF LEGAL COUNSEL

Ufisinan I Maga'hågan Guåhan
Office of the Governor of Guam

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

Via Hand Delivery
and E-mail: speaker@guamlegislature.org

December 29, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina 'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Executive Order No. 2020-46

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

EXECUTIVE ORDER NO. 2020-46: RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY DECLARED TO RESPOND TO NOVEL CORONAVIRUS (COVID-19)

Thank you.

Senseramente,

SOPHIA SANTOS DIAZ

Legal Counsel

Enclosure(s): Executive Order No. 2020-46

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. F. Philip Carbullido, Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



**ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.**

EXECUTIVE ORDER NO. 2020-46

**RELATIVE TO EXTENDING THE PUBLIC HEALTH EMERGENCY
DECLARED TO RESPOND TO NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

WHEREAS, under Guam's Pandemic Conditions of Readiness ("PCOR") system, the island continues to be in PCOR 1, under which some of the most restrictive conditions are in effect, including reduced capacities in all facilities with indoor operations; and

WHEREAS, since first declaring a public health emergency, Guam has suffered One Hundred Twenty One (121) COVID-19 related deaths in our community; and

WHEREAS, as of the time of this writing, over Seven Thousand One Hundred (7,100) individuals have tested positive for COVID-19 in Guam; and

WHEREAS, as of the time of this writing, Guam has a 7-day rolling average of ten (10) positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of 2.9%; and

WHEREAS, as of the time of this writing, nineteen (19) COVID-19 positive patients are hospitalized, including four (4) in intensive care, some of whom are on ventilators; and

WHEREAS, the Department of Public Health and Social Services ("DPHSS"), as the Public Health Authority, has issued and implemented Guidance Memoranda and Directives by which it continues to administer a comprehensive quarantine policy for incoming travelers; and

WHEREAS, DPHSS has also issued several Guidance Memoranda and Directives aimed at establishing parameters for the safe operation of both essential and non-essential businesses, organizations, houses of worship, and government offices; and

WHEREAS, since June, Guam has relied on the Covid Area Risk ("CAR") Score to assess risk of COVID-19 spread, which is calculated using three main data points -- case doubling time, test positivity rate, and new cases per 100,000 persons; and

WHEREAS, the Guam National Guard's Surgeon Cell and the Physicians' Advisory Group have recommended that safe commencement of additional public activities on Guam be conditioned on achievement of a CAR Score of five (5) or below for a sustained period of time, ideally, a two (2) week period; and



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

WHEREAS, on November 14, 2020, Guam's CAR Score reached a high of 47.4; and

WHEREAS, this spike coincided with those experienced around the country and the world, and which continue to persist in many places; and

WHEREAS, following a series of community testing events, the deployment of DPHSS rapid engagement teams to highly vulnerable communities, and the adoption of Enforcement Regulations by DPHSS, as of the time of this writing, Guam's CAR Score is now below 1; and

WHEREAS, although distance learning has remained necessary until now to inhibit the spread of the COVID-19 virus, a number of children from low income families have been disadvantaged under this system due to a lack of supervision, transportation, materials, or a combination of these factors; and

WHEREAS, in-person education is critical to the overall well-being of our children and our success as an island, and our schools provide many vital services in addition to academic learning, that promote the well-being of students and families alike, including nutrition, socialization, counseling, and activities; and

WHEREAS, many Guam Department of Education students have not registered for classes, whether in-person or remote, during the COVID-19 pandemic, and it is critical to their health and well-being that these students are located and registered for enrollment into some model of learning to ensure they have the resources to continue their education; and

WHEREAS, given our coordinated efforts at managing and containing the COVID-19 crisis, as individuals and as an island, which have resulted in consistently low positivity rates notwithstanding the progressive and deliberate reopening of non-essential activities, it is important, prudent, and timely to reopen our schools; and

WHEREAS, school openings must be consistent with safety precautions and guidelines developed by DPHSS, which are based on the most current available resources nationally and locally to ensure our schools provide an environment that is conducive to learning while providing for the continued safety of our island's children and their families; and

WHEREAS, our schools will be required to observe standards for social distancing, the wearing of masks, and the use of hand sanitizers, and vigilant disinfection of surfaces, all of which have demonstrated, widely-accepted impact on curbing the spread of COVID-19.

NOW THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam as amended, do hereby order:

1. **EXTENSION OF THE PUBLIC HEALTH EMERGENCY.** The public health emergency first declared in Executive Order No. 2020-03 and extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, 2020-24, 2020-29, 2020-35,



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

2020-38 and 2020-41 shall be extended for an additional thirty (30) day period, effective December 30, 2020. The public health emergency is now set to expire on January 29, 2021.

2. **PANDEMIC CONDITION OF READINESS 1.** Guam continues to be in PCOR 1, during which restrictive conditions are imposed in an effort to slow the spread of COVID-19 in our community.
3. **“SAFER AT HOME” ADVISORY.** Guam continues to be under a Safer at Home Advisory, during which all individuals, especially vulnerable persons, are encouraged to minimize travel outside the home. When it is necessary to leave the home, all persons are instructed to exercise mitigation measures outlined in applicable DPHSS Guidance Memoranda, to help slow the spread of COVID-19. “Vulnerable persons” means individuals aged sixty five (65) years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.
4. **OPERATIONS OF AUTHORIZED ACTIVITIES.** All businesses and activities already authorized to operate under applicable DPHSS Guidance Memoranda or Directives may continue to do so subject to mitigation measures identified in such Guidance Memoranda or Directives, including social distancing and the wearing of masks. Effective January 11, 2020, additional activities and businesses, including amusement parks, bingo halls, gamerooms, and similar businesses and activities, will be authorized to resume operations at limited capacity, subject to applicable DPHSS Guidance Memoranda.
5. **IN-PERSON INSTRUCTION.** Effective on January 18, 2021 and contingent on continued low CAR scores and test positivity rates, all institutions of learning will be authorized to resume in-person instruction, subject to applicable DPHSS Guidance Memoranda. All Guam Department of Education schools shall be required to offer options for students to continue distance learning. The definition of habitual truancy pursuant to Article 4, Chapter 6 of Title 17, Guam Code Annotated, continues to be suspended for all students who opt to continue their studies via distance learning.
6. **AUTHORIZATION FOR SOCIAL SERVICES HOME VISITS.** Government of Guam social workers and other human services personnel are authorized to conduct home visitations, subject to applicable DPHSS Guidance Memoranda, for the purpose of ensuring that social, educational, and human services are properly provided to members of the community.
7. **ENFORCEMENT.** Individuals and businesses who fail to comply with applicable DPHSS Guidance Memoranda and Directives may be subject to fines pursuant to



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96932
U.S.A.

10 G.C.A. §19802 and 26 GAR Chapter 4 Article 28, as well as any other penalties available under Guam law. DPHSS and affected agencies may enforce applicable enforcement statutes and regulations with the assistance of the Guam Police Department.

8. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.
9. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagátña, Guam, this 29th day of December, 2020.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

