

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

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

October 28, 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. 2020-38

Hafa Adai Madame Speaker:

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

EXECUTIVE ORDER NO. 2020-38:
RELATIVE TO IMPLEMENTATION OF COVID-19 PUBLIC
HEALTH ENFORCEMENT RULES AND EXTENSION OF THE
PUBLIC HEALTH EMERGENCY

If you have any questions, please contact my office at # (671) 473-1118.

Senseramente,


LESLIE A. TRAVIS
Legal Counsel

Enclosure(s): Executive Order No. 2020-38

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
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HAGĀTÑA, GUAM 96932
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EXECUTIVE ORDER NO. 2020-38

**RELATIVE TO IMPLEMENTATION OF COVID-19
PUBLIC HEALTH ENFORCEMENT RULES AND
EXTENSION OF THE PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hāgan Guāhan*, 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, on August 21, 2020, I signed Executive Order No. 2020-28, implementing a Stay-at-Home Order; and

WHEREAS, I extended stay-at-home conditions four (4) more times in Executive Order Nos. 2020-29, 2020-30, 2020-31, and 2020-32; and

WHEREAS, on September 18, 2020, in Executive Order No. 2020-32, notwithstanding the continued Stay-at-Home Order, I authorized the reopening of specific businesses and services, including take-out services at local eating establishments and curbside retail for non-essential items; and

WHEREAS, on October 1, 2020, in Executive Order No. 2020-36, I instituted a Safer-at-Home Advisory, authorizing the reopening of additional businesses and services, including outdoor dining, limited capacity retail services and other services and activities, in an effort to enhance the quality of life of our community while continuing to preserve the health and safety of our community by limiting personal interactions between individuals; and

WHEREAS, as of the time of this writing, seventy-six (76) individuals have suffered COVID-19 related deaths; and

WHEREAS, as of the time of this writing, over four thousand four hundred (4,400) 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 over 74.9 positive cases per one hundred thousand (100,000) persons daily, and a test positivity rate of 12.2%; and

WHEREAS, as of the time of this writing, across all three of our island's hospitals, eighty-six (86) COVID-19 positive patients are hospitalized, including many of whom are in intensive care and some of whom are on ventilators; and



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WHEREAS, with the advice and concurrence of the Department of Public Health and Social Services (“DPHSS”), the Physicians Advisory Group and the Guam National Guard Surgeon Cell, and based on and consistent with guidance provided by the World Health Organization, the Centers for Disease Control and Prevention, and other leaders in the global response to the COVID-19 pandemic, I have issued numerous Executive Orders regulating the conduct of business and individual activities for the purpose of preventing the spread of the COVID-19 virus and keeping our community safe; and

WHEREAS, DPHSS, as the Public Health Authority, has issued and implemented guidance by which it continues to implement and enforce a robust mandatory quarantine policy for incoming travelers; and

WHEREAS, DPHSS has issued and implemented strict guidance for the safe reopening and operation of businesses and conduct of activities to ensure that resumption of public life, even on a limited basis, can be accomplished in a manner that does not compromise our community’s health; and

WHEREAS, DPHSS has implemented and maintained a robust system of contact tracing for positive COVID-19 cases in Guam; and

WHEREAS, DPHSS has coordinated over fifty thousand (50,000) COVID-19 tests in Guam since March 2020; and

WHEREAS, DPHSS, in coordination with the Guam National Guard, has created the Rapid Engagement Team, to address and resolve exigent circumstances that may heighten the danger of community spread in vulnerable communities; and

WHEREAS, we have developed and continue to develop a layered approach to community outreach and education regarding the COVID-19 virus, and methods by which we, as individuals, can do our part to reduce the spread of this virus in our community; and

WHEREAS, DPHSS has implemented the use of several smartphone applications to assist in tracing and monitoring positive cases, quarantined individuals, and individuals who may have unknowingly been exposed to positive cases, as well as to disseminate critical information to the community in an efficient manner; and

WHEREAS, the Guam Memorial Hospital, with the cooperation of the Guam Regional Medical City and local clinics, and the assistance of the Department of Defense, has expanded its capability to treat COVID-19 patients, including by ensuring that our hospital facilities are properly staffed and patients receive critical care; and

WHEREAS, programs have been implemented to provide assistance to our community, to ensure that our residents can weather the COVID-19 pandemic financially and safely



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stay at home as much as possible, including small business assistance, bereavement grants, mortgage and rental assistance, additional cash assistance to needy families, displaced worker job placements, and unemployment benefits; and

WHEREAS, we have undertaken all of these measures to help our community stay safe and healthy as we weather this crisis; and

WHEREAS, notwithstanding our efforts to enable our residents to stay safe, the metrics tracking Guam's progress indicate that, as a community, we must do more in containing the COVID-19 virus; and

WHEREAS, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department ("GPD") has counseled or removed approximately three thousand three hundred eighty (3,380) individuals for violating social gathering and social distancing guidances issued by DPHSS; and

WHEREAS, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department has received approximately six hundred seven (607) calls via the 311-hotline, reporting violations of the executive orders; and

WHEREAS, as of this writing, since institution of the Stay-at-Home Order, the Guam Police Department has also responded to nine hundred seven (907) calls of violations of the executive orders, including social gatherings at establishments or private residences, including a recent highly publicized gathering at a local restaurant with over one hundred (100) individuals gathered in indoor and outdoor spaces without wearing masks or social distancing; and

WHEREAS, our ability to contain this virus will depend in large part on our will power and discipline as individuals in responsibly modifying our behavior to ensure our safety and the safety of our families and our community; and

WHEREAS, our community is particularly susceptible to this virus due to the prevalence of comorbidity factors that enhance our symptoms, result in a greater number of hospitalizations and ventilation, and an increased risk of deaths in specific demographics; and

WHEREAS, the Emergency Health Powers Act codified in Title 10, Chapter 19 of the Guam Code Annotated, mandates that DPHSS use every available means to prevent the transmission of infectious diseases, including COVID-19; and

WHEREAS, Section 19802 of the Emergency Health Powers Act expressly authorizes DPHSS and other affected agencies to promulgate and implement rules and regulations necessary to effectuate the Emergency Health Powers Act, and expressly authorizes



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DPHSS and other affected agencies to enforce the Act through the imposition of fines and penalties; and

WHEREAS, the recommend the implementation of enforcement measures in furtherance of efforts to contain and mitigate against the spread of the COVID-19 virus; and

WHEREAS, both DPHSS and GPD have expressed their intent to coordinate efforts towards enforcing public health guidance and directives, and, to this end, DPHSS has prepared the COVID-19 Public Health Enforcement Regulations, for the imposition of fines for violations of its directives; and

WHEREAS, as the Public Health Authority, DPHSS and its personnel have responded to incidents and concerns on a continuous basis, including outside of the normal government operating hours and sometimes are called back to duty from their homes overnight and on the weekends; and

WHEREAS, strict compliance with regulatory procedures governing the promulgation and adoption of agency rules would hinder or delay necessary action by DPHSS to respond to the COVID-19 public health emergency and increase the threat to the health of our community, and therefore it is both reasonable and necessary to temporarily suspend these procedures for the expeditious adoption and implementation of these critical regulations.

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.** Effective at 12:01AM on October 30, 2020, the public health emergency first declared in Executive Order No. 2020-03, extended in Executive Order Nos. 2020-09, 2020-11, 2020-16, 2020-22, 2020-24, 2020-29, and 2020-35, and currently set to expire on October 30, 2020, is extended for an additional thirty (30) day period. The public health emergency is now set to expire on November 29, 2020.
- 2. SUSPENDING RULE-MAKING PROCEDURES.** Pursuant to my authority under Title 10 Chapter 19 Section 19403(a)(1), upon my determination that strict compliance with the rule-making procedures of the Administrative Adjudication Law codified in Title 5 Article 3 of the Guam Code Annotated would hinder or delay necessary action by DPHSS to respond to the COVID-19 public health emergency first declared in Executive Order No. 2020-03 and increase the threat to the health of our community, I order that such procedures are suspended for the limited purpose and in the interest of the expedient adoption and implementation of the COVID-19 Public Health Enforcement Regulations developed by DPHSS. The COVID-19 Public Health Enforcement Regulations shall continue for the duration



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of the public health emergency declared in Executive Order NO. 2020-03 or as extended by future Executive Orders.

3. **TWENTY FOUR (24) HOUR USE OF OFFICIAL VEHICLES BY DPHSS.** Pursuant to Section 1103(a), Chapter 1, Title 4 of Guam Code Annotated, the DPHSS is authorized to designate vehicles within its fleet as available for use on a twenty-four (24) hour basis. Once designated, such vehicles may be driven by authorized employees from the worksite to their homes and utilized to respond on an urgent basis when necessary to carry out DPHSS duties and obligations in support of its efforts to address the current public health emergency.
4. **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.
5. **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 28th day of October, 2020.

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

Attested by:

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

