

Chapter 4. Public Health and Sanitation

Article 28 Rules Governing the Enforcement of Public Health Guidances and Directives during the COVID-19 Public Health Emergency

**§ 428101. Purpose.** The purpose of these rules and regulations is to protect and promote public health through the implementation of enforcement procedures for violations of guidances and directives issued by the Department of Public Health and Social Services during the COVID-19 Public Health Emergency declared by Governor Lourdes A. Leon Guerrero in Executive Order No. 2020-03 on March 13, 2020. These rules and regulations shall be liberally construed by the Department of Public Health and Social Services and applied to ensure compliance with the Department of Public Health and Social Services's guidances and directives.

**§ 428102. Authority.** Title 10 Guam Code Annotated, Chapter 19, Section 19802 authorizes the Department of Public Health and Social Services to promulgate and implement rules and regulations to implement and effectuate the provisions of the Chapter, and to enforce the provisions of the Chapter through the imposition of fines and penalties, the issuance of orders, and such other remedies as are provided by law.

**§ 428103. Title.** These rules and regulations shall be known as the *COVID-19 Public Health Enforcement Rules*.

**§ 428104. Definitions.**

- (a) **Person.** Means any natural person.
- (b) **Business.** Means a partnership, firm, association, corporation or other legal entity.
- (c) **Covid-19.** Means the virus caused by SARS-COV-2 infection.
- (d) **Guidance or Directive.** Means the official documents issued by the Department of Public Health and Social Services as the Public Health Authority providing orders or guidelines for the mitigation, containment, and prevention of the spread of COVID-19 in Guam.
- (e) **Facility.** Means any public or private premises.
- (f) **DPHSS or Public Health Authority.** Means the Guam Department of Public Health and Social Services.
- (g) **Public Safety Authority.** Means the Guam Police Department.

**§ 428105. Authority to Issue and Enforce Guidances and Directives to Prevent Transmission of COVID-19.** During a state of public health emergency, DPHSS shall use every available means to prevent the transmission of COVID-19 and to ensure that all cases of COVID-19 are subject to proper control and treatment, including entry into and inspection of public and private premises for the purpose of ensuring compliance with DPHSS Guidances and Directives.

**§ 428106. Penalties/Fines for Violation of DPHSS Guidances and Directives.**

- (a) It shall be unlawful for any person or business to violate or fail to obey any guidance or directive issued by DPHSS with respect to the COVID-19 public health emergency declared in Executive Order No. 2020-03.
- (b) Any person who violates or fails to obey any guidance or directive issued by the public health authority with respect to the COVID-19 public health emergency declared in Executive Order No. 2020-03, or any extension thereof, shall be punishable as follows:
  - (i) For the first offense, such person shall be guilty of a violation punishable by a fine not to exceed One Hundred Dollars (\$100.00).
  - (ii) For the second offense, such person shall be guilty of a violation punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00).
  - (iii) For the third offense, and each additional violation thereafter, such person shall be guilty of a misdemeanor punishable by imprisonment not to exceed one (1) year or by a fine not to exceed One Thousand Dollars (\$1,000.00).
- (c) Any business that violates or fails to obey any guidance or directive issued by the public health authority with respect to the COVID-19 public health emergency declared in Executive Order No. 2020-03, or any extension thereof, shall be punishable as follows:
  - (i) For the first offense, such business shall be guilty of a violation punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).
  - (ii) For the second offense, such business shall be guilty of a violation punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).
  - (iii) For the third offense, and each additional violation thereafter, such business shall be guilty of a misdemeanor punishable by a fine not to exceed Ten Thousand Dollars (\$10,000.00).
- (d) Fines collected shall be deposited into an account for use by the DPHSS.

**§ 428108. Assistance from the Public Safety Authority.**

During a state of public health emergency, DPHSS may request assistance in enforcing Guidances and Directives issued pursuant to Title 10 Guam Code Annotated, Chapter 19 from the Guam Police Department.

**§ 428109. Severability.** If any provision or application or any provision of these rules and regulations are held invalid, such invalidity shall not affect the provisions or applications of these rules and regulations.