

DISTRICT COURT, JEFFERSON COUNTY 100 Jefferson County Parkway Golden, Colorado 80401	
<b>Plaintiff: JEFFERSON COUNTY PUBLIC HEALTH</b>  v.  <b>Defendant: BANDIMERE AUTO-PERFORMANCE CENTER, INC. d/b/a BANDIMERE SPEEDWAY INC.</b>	<b>▲COURT USE ONLY ▲</b>
<i>Attorneys for Plaintiff</i> JEFFERSON COUNTY ATTORNEY'S OFFICE Kimberly S. Sorrells, #31383 County Attorney Rebecca Klymkowsky, #41673 Rachel Bender, #46228 Assistant County Attorneys 100 Jefferson County Parkway, #5500 Golden, Colorado 80419-5500 Phone: 303.271.8932   Fax: 303.271.8901 Email: <a href="mailto:ksorrell@jeffco.us">ksorrell@jeffco.us</a> Email: <a href="mailto:rklymkow@jeffco.us">rklymkow@jeffco.us</a> Email: <a href="mailto:rbender@jeffco.us">rbender@jeffco.us</a>	Case Number Division
<b>COMPLAINT FOR INJUNCTIVE RELIEF</b>	

Plaintiff Jefferson County Public Health (“JCPH”), by and through the Jefferson County Attorney Kimberly S. Sorrells and Assistant County Attorneys Rebecca Klymkowsky and Rachel Bender, submits the following Complaint for Injunctive Relief against the Defendant, Bandimere Auto-Performance Center, Inc. doing business as Bandimere Speedway, Inc. (“Bandimere”). In support of same, JCPH states as follows:

#### **PARTIES, JURISDICTION, AND VENUE**

1. JCPH is a political subdivision of the State of Colorado established as a county public health agency pursuant to COLO. REV. STAT. § 25-1-506. JCPH has broad statutory authority to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health, as well as to establish, maintain, and enforce isolation and

quarantine, and to exercise physical control over persons and property within its jurisdiction as necessary for the protection of public health. COLO. REV. STAT. § 25-1-506 (3)(b)(V) and (VI).

2. Defendant Bandimere is currently located in Jefferson County, Colorado, with its principal office street address located at 3051 South Rooney Road, Morrison, Colorado 80465.

3. Accordingly, this Court has jurisdiction over Defendant Bandimere pursuant to COLO. REV. STAT. § 25-1-506(3)(b)(VI).

4. The Court has jurisdiction over this action pursuant to COLO. REV. STAT. § 25-1-514, which requires the county attorney to bring any civil action requested by a county public health director to restrain or enjoin any action that is in violation of the public health laws and the standards, orders, and rules of the state board of health or a county board of health, and COLO. REV. STAT. § 25-1-515, which permits judicial review by the district court of any decision of a county board of health or a county public health director.

5. Venue is properly in Jefferson County because Bandimere is currently located in Jefferson County. *See C.R.C.P. 98(c)(1).*

## **GENERAL ALLEGATIONS**

6. JCPH hereby incorporates all allegations contained above in paragraphs 1 through 5 as if fully set forth herein.

7. JCPH has authority “to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health[.]” COLO. REV. STAT. § 25-1-506(3)(b)(V).

8. JCPH is further authorized to “close schools and public places and to prohibit gatherings of people when necessary to protect public health[.]” COLO. REV. STAT. § 25-1-506(3)(b)(VII).

9. JCPH has additional authority to “investigate and abate nuisances when necessary in order to eliminate sources of epidemic or communicable diseases and conditions affecting public health[.]” COLO. REV. STAT. § 25-1-506(3)(b)(VIII).

10. The Executive Director of JCPH has the authority to administer and enforce the public health laws of the state and statutorily authorized public health orders and rules. COLO. REV. STAT. § 25-1-509(2)(a).

11. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to the presence of novel coronavirus COVID-19 in Colorado.

12. On March 25, 2020, due to the increasing incidence of COVID-19 in the general public, Governor Polis issued Executive Order D 2020 17 – Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State (EO D 2020-17).

13. On April 6, 2020, Governor Polis issued Executive Order D 2020 24 – Amending and Extending EO D 2020 17 ordering Coloradans to Stay at Home due to the Presence of COVID-19 (“EO D 2020 24”).

14. Pursuant to the Governor’s directive in EO D 2020 17, the Executive Director for the Colorado Department of Public Health & Environment (“CDPHE”) issued Public Health Order 20-24 Implementing Stay at Home Requirements, which has been amended several times.

15. The Governor’s EO D 2020 17, EO D 2020 24, and CDPHE’s PHO 20-24 will be collectively referred to as the “Stay-At-Home Order.”

16. On April 26, 2020, Governor Polis issued Executive Order D 2020 44, Safer at Home, attached as **Ex. 1**, which modified EO D 2020 17’s previous order implementing stay-at-home requirements. On June 1, 2020, the Governor issued Executive Order D 2020 91, Safer at Home and in the Vast, Great Outdoors, which modified Executive Order D 2020 44. On August 21, 2020, the Governor issued Executive Order D 2020 170, Amending and Extending Executive Order D 2020 091 Safer at Home and in the Vast Great Outdoors (“EO D 2020 170”), attached as **Ex. 2**.

17. Also on April 26, 2020, pursuant to the Governor’s directive in EO D 2020 044, CDPHE issued Public Health Order 20-28, implementing Safer at Home standards. Public Health Order 20-28 has been amended several times, most recently on August 21, 2020, with the Tenth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors (hereinafter, “PHO 20-28”), attached as **Ex. 3**.

18. Information regarding the Governor’s Executive Orders and PHO 20-28 was widely distributed via news media.

19. The State of Colorado published EO D 2020 170 and PHO 20-28 on the State’s webpage at <https://covid19.colorado.gov/>.

20. On July 20, 2020, JCPH issued Jefferson County Public Health Order 20-007 Requiring JCPH Pre-Approval for Events and Venues to Allow More than 100 Patrons Indoors or 175 Patrons Outdoors, (“JCPHO 20-007”). The First Extension of JCPHO 20-007 is attached as **Ex. 4**. JCPHO 20-007 requires that venues submit a written plan for pre-approval showing how it will comply with PHO 20-28 for any event that will have more than one designated activity and that may exceed 175 total attendees at the event.

21. On July 24, 2020, JCPH issued Jefferson County Public Health Order 20-008 Requiring Face Coverings in Public Where Social Distancing Cannot Be Maintained (“JCPHO 20-008”), attached as **Ex. 5**, which requires that everyone in Jefferson County wear a face covering

whenever they are outside of a private residence and are unable to maintain six feet of social distance.

22. On July 2, 2020, this Court issued a Temporary Restraining Order (“TRO”) in case number 2020CV30773 enjoining and restraining Bandimere from violating Colorado’s Public Health Orders. Specifically, Bandimere was not permitted to: 1) host any gathering in excess of 175 people per designated activity; 2) host any event that does not require six feet of space between individuals from different households; 3) host any event without managing traffic flow; or 4) host any event that violates the restaurant requirements in public health orders.

23. Following a two-day preliminary injunction hearing, on July 21, 2020, this Court entered an order dismissing case number 2020CV30773 as moot, based on JCPH’s newly issued PHO 20-2007. At that time, this Court reminded Bandimere that public health orders are the equivalent of law and Bandimere must comply with the law.

24. As of July 21, 2020, Bandimere knew that JCPHO 20-007 required it to submit a written plan to JCPH – and obtain approval for such plan – before hosting any event with more than 175 attendees.

25. As of September 2, 2020, there were 57,775 reported cases of COVID-19 in Colorado. 1,8946 Coloradans have died due to COVID-19. In Jefferson County there have been 4,853 reported cases and 238 deaths. These numbers rise daily.<sup>1</sup>

26. The age, condition, and health of a significant portion of the population of Jefferson County places it at risk for serious health complications, including death, from COVID-19.

27. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus.

28. The scientific evidence shows that it is essential to slow virus transmission as much

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<sup>1</sup> Case numbers for Jefferson County are available on the County’s website, <https://www.jeffco.us/3999/Coronavirus-Disease-2019-COVID-19> (last accessed September 3, 2020). Even more concerning, new cases of COVID-19 are surging throughout the nation, *see, e.g.*, “Coronavirus in the United States,” *New York Times*, available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html?action=click&module=Top%20Stories&pgtype=Homepage> (last accessed September 3, 2020). According to data from the World Health Organization (WHO), the United States has the highest number of COVID-19 cases in the world (5,968,380), which is 52% higher than the number of cases in Brazil, the country with the next highest number of cases (3,908,272). *See WHO Coronavirus Disease (COVID-19) Dashboard*, available at <https://covid19.who.int/> (last accessed September 3, 2020).

as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, EO D 2020 170, PHO 20-28, JCPHO 20-007 and JCPHO 20-008 preserve critical and limited healthcare capacity in Colorado and in Jefferson County. PHO 20-28 further requires all operators, employees, and attendees at events to wear face coverings. (**Ex. 3 ¶ I.H.4.f.**)

29. Limiting the number of people at a gathering decreases the number of potential exposures if one person at a gathering is carrying the COVID-19 virus. Limiting gathering size is essential to slowing the spread of COVID-19 and protecting the limited capacity of Jefferson County to effectively treat the sick and prevent the loss of life.

30. For that reason, PHO 20-28 limits gatherings at outdoor venues to no more than 175 individuals per designated activity with a minimum of six feet distance between individuals or non-household contacts, and a minimum of 50 feet between designated activities. (**Ex. 3, ¶ I.H.4.a, d.**).

31. EO D 2020 170, PHO 20-28, and JCPHO 20-007 and 20-008 (“Public Health Orders”) all apply to Bandimere.<sup>2</sup>

32. Because of the highly contagious nature of COVID-19 and the fact that some carriers do not exhibit any symptoms, a preliminary injunction is needed to limit the number of people gathering at outdoor venues to no more than 175 people per designated activity, ensure appropriate social distancing at all events, and ensure compliance with face covering requirements in order to protect the public from further spread of COVID-19.

#### **BANDIMERE’S STOP THE COVID CHAOS RALLY VIOLATED PUBLIC HEALTH ORDERS EO D 2020 170, PHO 20-28, JCPHO 20-007, and JCPHO 20-008**

33. On August 31, 2020, JCPH was made aware of an event to be held at Bandimere Speedway on September 1, 2020, which Bandimere called “Stop the COVID Chaos” rally (the “Rally”). At that time, JCPH had no proof – only speculation – that the event would exceed 175 attendees. Thus, JCPH sent a letter to Bandimere reminding them of the Public Health Orders, including the requirement to obtain pre-approval of a written plan for events that would exceed 175 attendees. *See Ex. 6.* JCPH never received a request for approval of a plan for the Rally.

34. On September 1, 2020, more than 175 people attended the Rally. Many of the people attending the event did not wear face coverings, even though they were less than six feet

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<sup>2</sup> Executive orders issued by the Governor and public health orders issued by CDPHE and JCPH are amended, extended, or replaced from time to time. Because the orders referenced herein may be amended, extended, or replaced during the pendency of this case, references to specific executive orders or public health orders in this Complaint encompass the current orders as well as successor orders.

from others. Figure 1 below confirms numerous attendees were less than six feet from others without face coverings.

Figure 1<sup>3</sup>:



35. The Rally violated JCPH 20-007 in that it was an outdoor event in Jefferson County, Colorado, with more than 175 attendees, and Bandimere failed to present or obtain written pre-approval for this event.

36. In addition to failing to comply with JCPH 20-007's plan requirement, Bandimere hosted the event in violation of PHO 20-28 because Bandimere allowed more than 175 people in any one designated activity or area, and Bandimere failed to enforce PHO 20-28 and JCPH 20-008's face covering mandates at the event. .

37. PHO 20-28 provides that “[o]utdoor venues may allow up to 175 people within their usable space calculated using the Social Distancing Space Calculator, excluding staff, per designated activity with a minimum of 6 feet of distance between individuals or non-household contacts.” (Ex. 3, ¶ I.H.4.a.).

38. The Tenth Amended PHO 20-28 places limits on seating (setting 175-person cap per designed activity with six feet between individuals or groups from different households) and it requires operators to “manage the event to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate the mixing of groups including the use of single direction traffic flow in and out of the venue and

<sup>3</sup> [https://www.instagram.com/p/CEpAot4Fnds/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CEpAot4Fnds/?utm_source=ig_web_copy_link)

seating area.” (**Ex. 3**, ¶ I.H.4.a and h.) Figure 2 below confirms that Bandimere failed to ensure that there was six feet of spacing between seating of individuals or groups from different households.

Figure 2<sup>4</sup>:



39. PHO 20-28 also requires all operators, employees, and attendees at outdoor events to wear face coverings unless doing so would inhibit the individual’s health. (**Ex. 3**, ¶ I.H.4.f.)

40. Bandimere’s press release and speakers at the Rally invited attendees to gather on the racetrack to take a photograph. As shown in Figure 3 below, the photograph of attendees on the speedway confirms that many attendees of the event violated the Public Health Orders by failing to wear face coverings when participating in a group photograph where attendees were not socially distancing six feet from members of different households. Multiple news media covered the Rally, and photographs and video of the event, including the photograph of attendees on the speedway also confirm that the Rally violated the Public Health Orders by allowing more than 175

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<sup>4</sup> <https://www.denverpost.com/2020/09/01/photos-bandimere-speedway-covid-chaos-rally/>

people in one area at the same time. Bandimere's own video footage of the event<sup>5</sup> confirms the violations alleged herein.

Figure 3<sup>6</sup>:



41. Based upon information and belief, the Rally violated PHO 20-28's 175-person cap per designated activity, its social distancing requirements, including the six-foot spacing and traffic flow requirements, and the face covering requirements.

42. Based on Bandimere's advertisements of the Rally and JCPH's concerns that the Rally would violate PHO 20-28 and JCPHO 20-007, on August 31, 2020, JCPH's Environmental Health Director James Rada sent a letter to Bandimere documenting his concerns and reiterating Public Health Order requirements for outdoor events. *See Ex. 6.*

43. Although Bandimere has planned upcoming events based on pre-approved plans, the September 1 event confirms that Bandimere is capable of coordinating a large-scale event with little notice to the public or JCPH. Bandimere submitted plans for other events, but it failed to do so for the Rally. Based on Bandimere's lack of a written plan for pre-approval demonstrating compliance with PHO 20-28, and the flagrant disagreement with PHO 20-28 expressed at the

<sup>5</sup> <https://www.facebook.com/watch/?v=622489262031949&extid=y8i2g3A5qUrNiuTB>

<sup>6</sup> [https://www.instagram.com/p/CEpIajvnXgd/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CEpIajvnXgd/?utm_source=ig_web_copy_link)

Rally, JCPH has a reasonable basis to believe Bandimere may host additional events that will violate PHO 20-28.

44. A preliminary injunction preventing Bandimere from holding additional events that violate the Public Health Orders would preserve the status quo of protecting those in Jefferson County from COVID-19 by limiting mass gatherings and spectator events that violate the terms of the Public Health Orders.

45. As the host of the Rally, Bandimere was required – but failed – to enforce the limit of 175 people per designated activity, social distancing requirements, and face covering requirements of the Public Health Orders. As a result of Bandimere's actions, there is a significant risk of irreparable damage to the public because of the potential spread of COVID-19.

46. JCPH will suffer immediate and irreparable injury because it will be unable to duly execute its duty under COLO. REV. STAT. § 25-1-506 and -509 to administer and enforce public health orders of the state department and to prohibit or limit gatherings of people when necessary to protect public health against the spread of this deadly virus.

**FIRST CLAIM FOR RELIEF: INJUNCTIVE RELIEF  
PURSUANT TO COLO. REV. STAT. § 25-1-514 AND C.R.C.P. 65(a)  
FOR WILLFUL VIOLATION OF THE PUBLIC HEALTH ORDERS**

47. JCPH hereby incorporates all allegations contained in paragraphs 1 through 46as if fully set forth herein.

48. Upon the request of the JCPH Director, the County Attorney for Jefferson County may bring a civil action to abate a condition that exists in violation of, or to restrain or enjoin any action that is in violation of, or to prosecute for the violation of or for the enforcement of, the public health laws and the standards, orders, and rules of CDPHE or JCPH. COLO. REV. STAT. § 25-1-514.

49. COLO. REV. STAT. § 25-1-514 and C.R.C.P. 65(a) authorize this Court to issue temporary or final injunctions on such equitable terms as the Court deems reasonable to enforce the terms of the Safer-At-Home Order.

50. In order to grant a preliminary injunction, the Court must find that the moving party has demonstrated: (1) a reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; (3) that there is no plain, speedy, and adequate remedy at law; (4) that the granting of a preliminary injunction will not disserve the public interest; (5) that the balance of equities favors the injunction; and (6) that the injunction will preserve the status quo pending a trial on the merits. *Rathke v. MacFarlane*, 648 P.2d 648, 653-54 (Colo. 1982). However, danger of irreparable injury need not be shown in a suit on behalf of the public to enforce a public health order.

51. JCPH requests that this Court issue a preliminary injunction because irreparable injury, loss, or damage will result to the residents of Jefferson County. COVID-19 is highly contagious and the Bandimere's decision to host a large-scale public event in violation of the Public Health Orders threatens the public health of those in Jefferson County.

52. JCPH is also entitled to an injunction because there is no plain, speedy, or adequate remedy available at law to JCPH, as COVID-19 is highly contagious and Bandimere's decision to hold an event that was attended by more than 175 people in violation of the Public Health Orders threatens the public health of those in Jefferson County.

53. The public interest will be served by entering the relief requested because compliance with the Public Health Orders is necessary to prevent further spread of COVID-19 in Jefferson County, Colorado.

54. JCPH first sought voluntary compliance through the August 31, 2020 letter to Bandimere. *See Ex. 6.*

55. Despite JCPH's letter requesting voluntary compliance with the requirements of the Public Health Orders, including the requirement to obtain pre-approval of a written plan for events that would exceed 175 attendees as well as social distancing and face covering requirements, Bandimere did not respond and held the Rally in violation of the Public Health Orders.

56. Because Bandimere violated the Public Health Orders on September 1, 2020, JCPH sustained substantial harm impossible to quantify at this time and JCPH and residents of Jefferson County will suffer irreparable injury in the form of further spread of COVID-19 in Jefferson County. Such future events will result in additional substantial harm and irreparable injury, which can only be prevented by injunctive relief.

57. Additionally, JCPH will suffer irreparable harm if it has no power to enforce the Public Health Orders.

58. Equity and the principles of justice require that Bandimere be enjoined from engaging in the acts and omissions stated above.

59. The balance of equities favors a preliminary and permanent injunction because JCPH's protection of the public health considering COVID-19 outweighs any potential impact caused by the Public Health Orders, which permits gatherings at outdoor venues in limited numbers to prevent further spread of this potentially deadly virus.

60. JCPH is further entitled to an award of its expenses incurred in obtaining injunctive relief.

## **PRAYER FOR RELIEF**

JCPH requests this Honorable Court for the following relief:

1. Judgment in favor of JCPH and against Bandimere Speedway Inc. on the claim asserted herein.
2. Enter a preliminary and permanent order requiring Defendant Bandimere Speedway to comply with all terms of EO D 2020-170, PHO 20-28, JCPHO 20-007, and JCPHO 20-008, and any other public health orders and executive orders as they may be issued, amended, or extended from time to time, and enjoining and restraining Defendant Bandimere Speedway from violating EO D 2020 170, PHO 20-28, JCPHO 20-007, and JCPHO 20-008. JCPH requests that the preliminary and permanent order specifically require that Bandimere comply with the following;

**Event Requirements:**

- a. Outdoor venues may allow up to 175 people within their usable space using the Social Distancing Space Calculator,<sup>7</sup> excluding staff, per designated activity or area with a minimum of six feet of distance between individuals or non-household contacts.
- b. Indoor venues may allow up to 100 people within their usable space using the Social Distancing Space Calculator,<sup>8</sup> excluding staff, per room with a minimum of six feet of distance between individuals or non-household contacts.
- c. Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
- d. Designated activities or areas must be separated by a minimum of fifty feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms.
- e. Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least twenty-five feet from

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<sup>7</sup> <https://covid19.colorado.gov/safer-at-home/social-distancing-calculator-for-indoor-and-outdoor-events>

<sup>8</sup> <https://covid19.colorado.gov/safer-at-home/social-distancing-calculator-for-indoor-and-outdoor-events>

attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.

- f. Operators, employees, and attendees must wear face coverings unless doing so would inhibit the individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
- g. Operators, organizers, or employees must implement employee screening protocols for all employees and exclude ill or symptomatic individuals. (g) Such protocols include conducting daily temperature checks and monitoring symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. If an employee reports any symptoms, refer symptomatic employees to the CDPHE Symptom Tracker<sup>9</sup> and take all of the following steps:
  - i. Send the employee home immediately;
  - ii. Increase cleaning in the facility and require social distancing of staff at least six feet apart from one another;
  - iii. Exclude the symptomatic employee until they are released from isolation by their local public health agency. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved, and ten days have passed since their first symptom; and
  - iv. If two or more employees have these symptoms, consult CDPHE's Outbreak Guidance,<sup>10</sup> contact Jefferson County Public Health, and cooperate in any disease outbreak investigations.
- h. Operators and organizers must manage the event or activity to comply with the capacity limits per designated activity or per room at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.
- i. Food sold at events must follow restaurant requirements, including:
  - i. Keeping patrons in different parties a minimum of six feet apart. The spacing of tables should be a minimum of six feet to ensure proper distancing.
  - ii. Limiting party size to eight people or less
  - iii. All employees must wear face coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, in which reasonable accommodations should be pursued to maintain the safety and health of all parties.
  - iv. Cleaning and disinfection of all shared surfaces must be done between seatings.

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<sup>9</sup> <https://covid19.colorado.gov/covid19-symptoms>

<sup>10</sup> <https://covid19.colorado.gov/workplace-outbreak-guidance>

- v. Eliminating customer service buffets.
- vi. Providing appropriate signs or markings to space lines and direct foot traffic.
- vii. Providing contactless payment options as feasible.
- viii. Blocking waiting areas or establish waiting areas that maintain proper social distancing from other guests.
- ix. Restricting standing or congregating in public spaces such as the entrance or exit.
- j. Outdoor market operators must follow the events guidance described above.
- k. All venues or events in Jefferson County that have more than one designated activity for purposes of PHO 20-28 ¶ I.H.4 are required to submit to JCPH for pre-approval a written plan that documents how the event sponsor or venue will ensure compliance with the provisions of PHO 20-28 ¶ I.H.4 and the requirements listed herein.
  - 1. Except as otherwise provided by JCPH, the plan must be submitted no later than fourteen days before the event to allow JCPH sufficient time for review and comment on the plan and the event sponsor's time to provide revisions to the proposed plan. No person or business in Jefferson County may host an event in Jefferson County with more than one designated activity for purposes of PHO 20-28 ¶I.H.4 without pre-approval from JCPH.
  - m. JCPH shall have sole discretion to approve or reject a specific plan.

**Face Covering Requirements:**

- a. Each person within Jefferson County, except as specifically exempted, must wear a Face Covering whenever they are outside their Residence and unable to maintain, or when not maintaining, social distance of at least six feet from any non-household members in any setting, whether indoors or outdoors.
- b. All individuals over ten years old must wear a face covering over their nose and mouth when entering or moving within any Public Indoor Space.
- c. No owner, operator, or manager of a Public Indoor Space may provide service to individuals or allow an individual to enter or move within that Public Indoor Space, unless the individual is wearing a face covering.
- d. Owners, operators, or managers of Public Indoor Spaces must post signs at entrance(s) instructing individuals of their legal obligation to wear a face covering when entering or moving within a Public Indoor Space.
- e. The following individuals are exempt from the Face Covering requirements:
  - i. Individuals ten years old and younger; or
  - ii. Individuals who cannot medically tolerate a face covering.
- f. If an individual qualifies for a medical exception, the business should offer reasonable accommodations (such as curbside deliver) but the business is not required to allow the person to enter the facility without a Face Covering.
- g. Individuals performing the following activities are exempt from the Face Covering requirements while the activity is being performed:

- iii. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
    - iv. Individuals who are seated at a food service establishment
    - v. Individuals who are officiating at a religious service; or
    - vi. Individuals who are giving a speech for broadcast or an audience.
  - h. Face Covering means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. Face Coverings must cover the nose and mouth at all times and should remain in place until taken off safely.
  - i. Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, express or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services.
3. JCPH requests that the preliminary and permanent order specifically prohibit the following conduct:
- a) Hosting any gatherings and/or events, including but not limited to rallies, at its outdoor venue in excess of 175 people per designated activity without submitting a written plan to JCPH at least 14-days prior to the event and obtaining JCPH approval prior to the event;
  - b) Hosting any such gathering and/or events in violation of the terms set forth in the plan approved by JCPH, which will include operating the event in compliance with PHO 20-28's social distancing requirements, including its requirement for 6 feet of space between individuals and/or between non-household contacts and its requirements for event venues to manage traffic flow;
  - c) Hosting any gatherings or events at which Bandimere fails to enforce the face covering mandate indoors and for all individuals outside when a six-foot separation from people from different households cannot be maintained.
4. An award of reasonable costs; and
5. Such other and further orders and relief as the Court deems just.

Dated: September 3, 2020

JEFFERSON COUNTY ATTORNEY'S OFFICE

By: /s/ Kimberly S. Sorrells  
Kimberly S. Sorrells  
Rebecca Klymkowsky  
Rachel Bender  
*Attorneys for Plaintiff*

Plaintiff's Address: 645 Parfet Street, Lakewood, Colorado 80215



# D 2020 044

## EXECUTIVE ORDER

### Safer at Home

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order continuing stay at home requirements for vulnerable individuals and permitting the limited reopening of postsecondary institutions and certain business operations due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

#### I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018 and D 2020 032. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. Evidence shows that social distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the increase of cases and rate of infection.

While we have seen indications that our efforts to “flatten the curve” are working, transmission of the virus continues to threaten Coloradans’ way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice social distancing at a high level and implement other measures, such as limiting our social interactions, taking extra precautions for Vulnerable Individuals and wearing non-medical masks while in public, to

facilitate a step towards reopening the economy while protecting public health. While this is a first step toward resuming our daily lives, the State is monitoring the spread of COVID-19 and additional precautions may be necessary in the future.

This Executive Order implements a number of measures that will allow many Coloradans to return to work while we maintain a sustainable level of social distancing. In particular, this Executive Order continues Social Distancing Requirements for all Coloradans and stay at home requirements for Vulnerable Individuals, permits the limited reopening of postsecondary institutions and certain business operations, and orders the Executive Director of CDPHE to amend or issue public health orders (PHO) consistent with the directives in this Executive Order.

## **II. Directives**

- A. Pursuant to Executive Order D 2020 041, normal in-person instruction at all P-12 schools in Colorado will be suspended until the scheduled end of the 2019-2020 regular school year. P-12 schools and school districts may use school buildings for providing services to students, educators, and families, including but not limited to: in-person small group instruction; staff professional development; food service; access to internet, devices, or instructional materials; special education services; or mental health supports. P-12 schools and school districts intending to provide these services must work in coordination with their local public health agency and must observe Social Distancing Requirements pursuant to applicable public health orders.
- B. I direct the Executive Director of the Colorado Department of Higher Education (CDHE) to work with CDPHE to identify those programs and courses at postsecondary institutions that cannot be taught remotely and require limited in-person instruction.
- C. All Vulnerable Individuals should Stay at Home, except when necessary to provide, support, perform, or operate Necessary Activities, Minimum Basic Operations, Critical Government Functions, Necessary Travel, or Critical Businesses, provided that Vulnerable Individuals cannot be compelled to perform in-person work for any business or government function, including a Critical Business or Critical Government Function.
- D. For purposes of this Executive Order, Vulnerable Individuals means:
  1. Individuals who are 65 years and older;
  2. Individuals with chronic lung disease or moderate to severe asthma;
  3. Individuals who have serious heart conditions;
  4. Individuals who are immunocompromised;

5. Pregnant women; and
  6. Individuals determined to be high risk by a licensed healthcare provider.
- E. I direct all individuals who are sick or who test positive for COVID-19 to Stay at Home except as necessary to care for themselves or seek medical care.
- F. I direct employers to accommodate workers with childcare responsibilities and workers who live in the same household as a Vulnerable Person to the greatest extent possible by promoting telecommuting or other remote work options, flexible schedules, or other means.
- G. I direct the Colorado Civil Rights Division within the Department of Regulatory Agencies and CDPHE to provide guidance to prevent discrimination in the workplace related to COVID-19. Employers must provide reasonable accommodation and are prohibited from discriminating against employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.
- H. I direct the Executive Director of CDPHE to issue a new or amended PHO consistent with the directives in this Executive Order. The new or amended PHO must:
1. Advise Coloradans to wear non-medical cloth face coverings that cover the nose and mouth whenever in public;
  2. Order Coloradans to limit:
    - i. Social interactions to the greatest extent possible except as required to conduct Necessary Activities; and
    - ii. Essential Travel to within their county of residence or employment as much as possible and recreational travel to no further than ten (10) miles from their residence.
  3. Prohibit public gatherings of ten (10) persons or more in both public spaces and private commercial venues.
  4. Strongly encourage all Critical Businesses, Critical Government Functions, Non-Critical Retail, and Non-Critical Commercial Businesses to allow workers to telecommute whenever possible.
  5. Require all Critical Businesses, Critical Government Functions, Non-Critical Retail, and Non-Critical Commercial Businesses to make work accommodations for Vulnerable Individuals, who remain subject to Stay at Home requirements. Employers must also be encouraged to make

accommodations for individuals living in the same household as a Vulnerable Individual, and for individuals with childcare responsibilities.

6. Permit all Critical Businesses and Critical Government Functions to continue to operate with mandatory Social Distancing Requirements and cleaning protocols.
  7. Permit Non-Critical Retail to operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, and, beginning May 1, 2020, permit Non-Critical Retail to allow customers onto their premises in a manner allowing for strict compliance with mandatory Social Distancing Requirements similar to the requirements for Critical Retail.
  8. Permit Places of Public Accommodation to continue to offer food and beverage using delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in an existing Executive Order or PHO and in accordance with mandatory Social Distancing Requirements.
  9. Issue appropriate guidelines for classes and programs identified in consultation with the Executive Director of CDHE pursuant to paragraph II.B., above.
  10. Beginning on May 4, 2020, permit Non-Critical Commercial Businesses to allow up to fifty percent (50%) of their employees to conduct in-person work that takes place outside a private residence in accordance with Mandatory Social Distancing Requirements and protocols.
  11. Ensure that Critical Businesses, Critical Government Functions, Non-Critical Commercial Businesses, and Non-Critical Retail with over fifty (50) employees in any one location follow protocols established by PHO, including but not limited to symptom screening and temperature check stations, closure of common areas, cleaning protocols, and Mandatory Social Distancing Requirements and protocols.
- I. Any new or amended PHO issued pursuant to this Executive Order must identify or develop:
1. Mandatory Social Distancing Requirements and protocols to be implemented by all employers, identifying any specific protocols for certain employers based on the nature of their work, including proper face and hand coverings to be used;

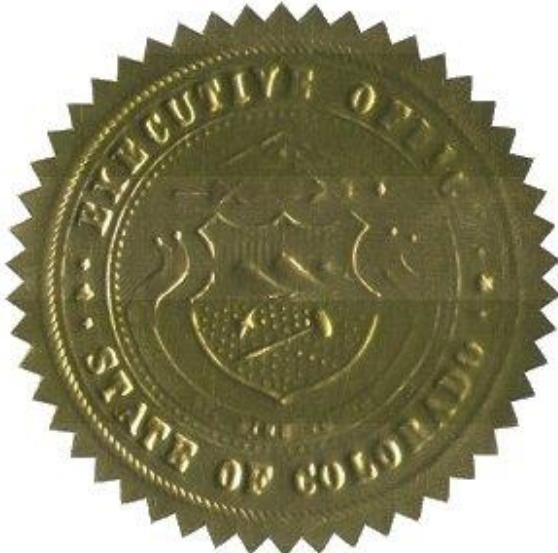
2. An amended definition of Vulnerable Individual consistent with this Executive Order; and
  3. Operations requirements for Non-Critical Retail and Critical Retail.
- J. I direct the Executive Director of the Colorado Department of Labor and Employment (CDLE) to promulgate and issue temporary emergency rules to amend the Colorado Health Emergency Leave with Pay Rules found in 7 CCR 1103-10 to cover individuals returning to work under this Executive Order and to extend paid sick leave coverage to up to two-thirds pay for fourteen (14) days if a worker has tested positive for COVID-19, has COVID-like symptoms, or has been directed to quarantine or isolation due to COVID-19 concerns.
- K. I direct the Executive Director of CDLE to promulgate and issue temporary emergency rules pursuant to C.R.S. § 8-73-108(4)(c) and guidance to ensure that workers, and particularly workers who are Vulnerable Individuals, are not in danger of losing unemployment insurance eligibility for refusal to return to COVID-19-related demonstrable, unsafe working conditions.
- L. Terms in this Executive Order, including Stay at Home, Necessary Activities, Minimum Basic Operations, Critical Government Functions, Necessary Travel, Critical Businesses, Places of Public Accommodation, Critical Retail, Social Distancing Requirements, and Vulnerable Individuals have the meaning as defined in PHO 20-24 and PHO 20-22, as amended, or any PHO issued pursuant to this Executive Order.
- M. Any county wishing to apply for a local variance from part or all of this Executive Order must submit a written application to CDPHE certifying that the county has low case counts of COVID-19 cases or can document fourteen (14) consecutive days of decline in COVID-19 cases reported in the county. The application must include a written COVID-19 suppression plan approved by the appropriate local public health authority, all hospitals within the county (unless no hospitals are located in the county), and a majority of the county commissioners, or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council.
- N. CDPHE shall review and approve a county-specific COVID-19 suppression plan that meets CDPHE's public health standards. CDPHE shall not provide COVID-19 preparedness grant funding to any county that implements measures that are less restrictive than the standards contained in this Executive Order if the county did not first obtain approval from CDPHE to adopt such less restrictive standards.
- O. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order as

necessary, including but not limited to stay at home orders, mask wearing requirements in public, or additional protective measures. If adopted, such measures shall take effect in the county or municipality without the need for further approval by the State.

1. Except as modified by this Executive Order, all Executive Orders issued due to COVID-19 that are currently in effect shall remain in full force and effect as originally promulgated.

### **III. Duration**

This Executive Order shall expire thirty (30) days from April 27, 2020, unless extended further by Executive Order.



GIVEN under my hand and  
the Executive Seal of the  
State of Colorado, this  
twenty sixth day of April,  
2020

Jared Polis  
Governor



## D 2020 170

### EXECUTIVE ORDER

#### **Amending and Extending Executive Orders D 2020 091, D 2020 123, D 2020 142, and D 2020 144 Safer at Home and in the Vast, Great Outdoors**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Orders D 2020 091, D 2020 123, D 2020 142, and D 2020 144 Safer at Home and in the Vast, Great Outdoors, due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

#### **I. Background and Purpose**

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, and D 2020 152. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice Social Distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. This is especially important for individuals at risk of severe illness from COVID-19 as ninety percent (90%) of Colorado fatalities are individuals older than sixty (60). Evidence shows that Social Distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the rate of infection and ensured that Coloradans who needed it had access to healthcare resources.

While we have seen indications that our efforts to “flatten the curve” are working, increased transmission of the virus, and the resulting strains on our healthcare resources, continue to threaten Coloradans’ way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice Social Distancing from others at a high level and implement other measures, such as limiting our social interactions, extra precautions for individuals at risk of severe illness from COVID-19, and wearing non-medical masks while in public to facilitate reopening the economy while we protect public health. As we move forward, the State continues to monitor the spread of COVID-19, increase our testing and tracing capabilities, and consider additional precautions as we learn more about the novel coronavirus and its effects on human health.

This Executive Order amends and extends Executive Orders D 2020 091, D 2020 123, D 2020 142, and D 2020 144 by requiring that all on-premises licensees licensed under Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers at 11:00 P.M. each day.

## **II. Amendments**

Section II of Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123, D 2020 142, and D 2020 144, is amended as follows:

1. Replace the phrase “Vulnerable Individuals” each time it appears with the phrase “individuals at risk of severe illness” in paragraphs II.A., II.E.4., II.F.2., II.H., II.I.
  
2. Replace II.B. with the following:

For purposes of this Executive Order, individuals at risk of severe illness from COVID-19 means:

1. Individuals who are sixty-five (65) years and older;
2. Individuals who have cancer;
3. Individuals who have chronic kidney disease;
4. Individuals who have chronic obstructive pulmonary disease;
5. Individuals who are immunocompromised;
6. Individual who have a body mass index of 30 or higher;
7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
8. Individuals who have sickle cell disease;

9. Individuals who have type 2 diabetes mellitus; or
  10. Individuals determined to be high risk by a licensed healthcare provider.
3. Paragraph II.O. is replaced with the following:

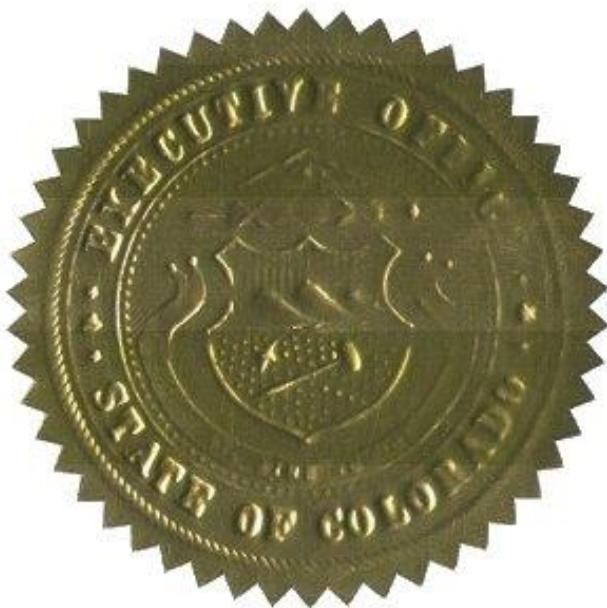
Effective 10:00 P.M. MDT on Saturday, August 22, 2020, pursuant to Colorado Revised Statute § 24-33.5-704(7)(h), all on-premises licensees licensed under Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), must cease alcohol beverage sales to end consumers for on-premises consumption between 11:00 P.M. MDT and 7:00 AM MDT each day. Nothing in this Executive Order prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after 11:00 P.M. MDT but takeout alcohol beverage sales are not permitted after 11:00 P.M. MDT.

4. Add new Paragraphs II.P., II.Q., and II.R. are added to the end of Section II:

- P. Nothing in this Executive Order prohibits on-premises licensees licensed pursuant to C.R.S. § 44-3-413 from selling or serving alcohol beverages to guests in sleeping rooms via room service after 11:00 P.M. MDT.
- Q. Nothing in this Executive Order changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.
- R. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. All such on-premises licensees remain subject to the requirements of any applicable, effective Public Health Orders.

### **III. Duration**

Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123 D 2020 142, D 2020 144, and this Executive Order, shall expire thirty (30) days from August 21, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123, D 2020 142, and D 2020 144 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and  
the Executive Seal of the  
State of Colorado, this  
twenty-first day of August,  
2020.

Jared Polis  
Governor



**TENTH AMENDED PUBLIC HEALTH ORDER 20-28 SAFER AT HOME AND IN THE  
VAST, GREAT OUTDOORS**

**August 21, 2020**

**PURPOSE OF THE ORDER**

I issue this Amended Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 091** as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. Further, as there is substantial evidence of community spread of COVID-19 throughout the State, it is crucial to take measures now that can mitigate further spread of disease in our communities.

**FINDINGS**

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; closing bars and restaurants to in-person services; defining the terms of the Governor's stay at home requirements and critical business designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of August 20, 2020, there are 54,230 known cases of COVID-19 in Colorado, 6,797 Coloradans have been hospitalized and 1,815 Coloradans have died from COVID-19. Multiple

sources of data show that COVID-19 transmission and the use of healthcare due to COVID-19 have leveled off in Colorado. Our work to “flatten the curve” appears to be succeeding, and the Governor has ordered some lessening of the current Safer at Home restrictions as a result.

4. **Executive Order D 2020 091 Safer at Home and in the Vast, Great Outdoors**, as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170**, still strongly encourages that people at risk of severe illness from COVID-19, also known as **Vulnerable Individuals**, remain at home or in the great outdoors as much as possible, but allows limited reopening of postsecondary institutions and certain businesses. Additionally, individuals are encouraged to stay at home as much as possible and practice **Social Distancing** to reduce the likelihood of disease transmission, but certain activities, such as gathering in groups of no more than ten for activities, are permitted. As we continue to combat COVID-19 in our communities, continuing restrictions on individual travel and necessary activities remain appropriate.

## INTENT

This Order sets forth the requirements for implementation of **Safer at Home and in the Vast, Great Outdoors**, as directed by Governor Polis. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Social Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread. Additionally, certain businesses and activities require specific guidance based on their business practices, and those are included in the appendices to this Order.

## ORDER

This Order supersedes and replaces Public Health Orders 20-22 and 20-24, as amended.

### I. **Safer at Home and in the Vast, Great Outdoors**

A. All individuals currently living within the State of Colorado are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Social Distancing Requirements**, defined in Section III below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section III below.

B. Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091** as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170**. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by

**Executive Order D 2020 164**, all individuals must wear face coverings in public indoor spaces, as that term is defined in the **Executive Order 2020 138**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164**.

**C.** All public and private gatherings are limited to no more than ten (10) individuals, except for the purposes expressly permitted in this PHO, which include **Necessary Activities**. Nothing in this Order prohibits the gathering of members living in the same residence.

**D.** People at risk of severe illness from COVID-19 are urged to stay in their residence at all times except as necessary to seek medical care. People at risk of severe illness from COVID-19 cannot be compelled to work for any business or government function, including a Critical Business or Critical Government Function, during the pendency of this pandemic emergency. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work, even for a **Critical Business**, defined in Section III below.

**E.** Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they are released by public health. In most cases, individuals are released from isolation when they are fever-free, without medication, for twenty-four (24) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.

**F.** Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in their jurisdiction as necessary to protect all members of the community. People experiencing homelessness are urged to protect their health and safety by complying with **Social Distancing Requirements** at all times.

**G.** Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section III below, including but not limited to, travel by automobile or public transit. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Businesses** or maintain **Critical Governmental Functions** as authorized in Section II of this Order. People riding on public transit must comply with **Social Distancing Requirements** to the greatest extent feasible.

**H.** Activities that are done with 10 or fewer individuals, following **Social Distancing Requirements** for non-household members are authorized. Individuals may participate in local and personal recreation in outside public spaces, as an authorized **Necessary Activity**, in groups no larger than 10 and practicing social distancing maintaining 6 feet between participants. Travel should occur within an individual's local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions. Local authorities have the discretion to close recreation as needed.

1. Private campgrounds may open for use. Campground operators must regularly clean and disinfect all common areas, such as bathrooms, in accordance with the [CDPHE Cleaning Guidance](#). Group facilities, pavilions, cabins, and yurts remain closed. Campsites must be a minimum of 6 feet apart, and should only be available by reservation. Campground operators must post signs to remind guests of physical distancing requirements, and limit visitors in campground offices to maintain such distancing.

2. Effective June 4, 2020, the following personal recreation activities are permitted:

- a. Playgrounds and outdoor sports facilities, such as tennis and pickleball courts, may be open for use for no more than 25 people at a time. High touch areas should be cleaned and disinfected frequently.
- b. Outdoor swimming pools may open at 50% capacity, limited to no more than 50 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- c. Organized recreational youth or adult league sports may resume activities with no more than 25 players outdoors. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are strongly discouraged for adult sports. The sports league must retain records of who played in case later disease outbreak investigations become necessary.

d. Gyms, recreation centers and indoor pools may open at 25% capacity, not to exceed 50 patrons, whichever is less, per room, maintaining 6 feet distancing. Sharing of equipment is discouraged, and equipment must be cleaned and disinfected between uses.

e. Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained. This includes implementing, including implementation of staggered start times and making efforts to prevent gatherings at starts and finishings, so that no more than 10 people are gathered at a time.

3. Effective June 4, 2020, the following outdoor recreation activities are permitted if authorized within the local jurisdiction and conducted in accordance with the jurisdiction's policies, the requirements below, and the requirements in **Appendix K** of this Order:

- a. Non-guided recreation in groups no larger than 10;
- b. Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix A** of this Order;
- c. Guide services for fishing, hunting, biking, horseback riding, canoeing, kayaking, stand up paddle boarding, ATV tours, and climbing are permitted in groups no larger than 10, not including staff;
- d. River outfitters, rafting, or Jeep Tours in groups of up to 2 households in a boat or jeep only in groups of no more than 10, not including staff;
- e. Developed hot springs may operate in accordance with the outdoor pools requirements in Section I.H.2.b of this Order;
- f. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc) if the local public health agency has reviewed and approved the resort's plans;
- g. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts if the local public health agency has reviewed and approved the operator's plans;
- h. Scenic trains if every local public health agency in each jurisdiction through which the train operates has approved the train's plans; and
- i. Trail and conservation crews no larger than 10.

4. Effective June 18, 2020, indoor and outdoor events such as receptions, events, non-critical auctions, theaters, trade shows, markets, indoor malls, rodeos, fairs, festivals and parades or other indoor or outdoor events not otherwise covered by this Order may operate in accordance with the following requirements:
  - a. Outdoor venues may allow up to 175 people within their usable space calculated using the [Social Distancing Space Calculator](#), excluding staff, per designated activity or area with a minimum of 6 feet of distance between individuals or non-household contacts.
  - b. Indoor venues may allow up to 100 people within their usable space calculated using the [Social Distancing Space Calculator](#), excluding staff, per room with a minimum of 6 feet of distance between individuals or non-household contacts.
  - c. Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
  - d. Designated activities or areas must be separated by a minimum of 50 feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms
  - e. Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least 25 feet from attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.
  - f. Operators, employees and attendees must wear face coverings unless doing so would inhibit the individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. Individuals in public indoor settings must follow

the face covering requirements in **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.

- g. Operators, organizers or employers must implement employee screening protocols for all employees as described in Section II.I.1.g of this Order, and exclude ill or symptomatic individuals.
- h. Operators and organizers must manage the event or activity to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.

i. Food sold in these settings must follow the Restaurant requirements.

- j. Ventilation in an indoor venue must meet [OSHA guidance](#).
- k. Indoor market and mall operators must follow the indoor event requirements and guidance, outdoor market operators must follow the outdoor event requirements and guidance. Individual vendors in these settings must follow the Retail requirements and guidelines.

l. Drive-in events such as theaters or fireworks displays are authorized to operate above the 10 person gathering limit so long as participants remain in their vehicles unless seeking minimal services, the vehicles remain a minimum of 6 feet apart, and only minimal common services are available such as concessions and restrooms.

5. Effective June 30, 2020, professional sports may resume pre-season practices, training and league play after they submit a reopening plan that details their disease prevention and mitigation strategies to the Colorado Department of Public Health and Environment and receive approval. Many professional leagues have created their own reopening requirements and guidance, and professional teams are expected at a minimum to incorporate those requirements into their reopening plans. Colorado sporting events that include both a professional event and a recreational event must have their professional opening plan reviewed and approved by the Colorado Department of Public Health and Environment. Any recreational sporting events must follow the personal recreation requirements contained in Section I.H.2 and any guidance found [here](#).

J. Due to ongoing concerns regarding disease transmission in larger groups settings that could result in disease outbreaks, the following activities are not authorized to occur:

1. Gatherings or events of more than 10 people that are not otherwise authorized in this Order; and
2. Sporting events except for recreational sports leagues as authorized in Section I.H.2.c of this Order.

**K.** Life rites, such as wedding ceremonies, graduation ceremonies and funerals, and other religious rites are authorized at 50% capacity not to exceed 50 people indoors, with strict compliance with **Social Distancing Requirements** for employees and any attendees of services. Effective June 18, 2020, extra large venues hosting life rites may operate up to 100 people indoors within their usable space calculated using the [Social Distancing Space Calculator](#). For outdoor rites, individuals must maintain 6 feet distance between non-household members and work with the appropriate local authority to obtain approval for the maximum number of individuals who may attend in the designated outdoor space. Only the ceremony or rite itself is included in this authorization, receptions or parties associated with life rites are not included in this authorization. Life rites should follow the guidance for houses of worship found [here](#).

## **II. Business Requirements**

Any business or activity not addressed in **Executive Order D 2020 091** as amended by **Executive Orders 2020 123, D 2020 142, D 2020 144, and D 2020 170**, this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section II.I of this Order.

**A.** The following places of public accommodation remain closed to ingress, egress, use, and occupancy by members of the public:

1. Establishments primarily based on smoking, such as cigar bars, hookah bars, and cannabis social use licensees; and
2. Casinos, amusement parks, arcades, and the use of bounce houses and ball pits in any public or commercial venue.

**B.** All **Critical Businesses** and **Critical Government Functions**, as defined in Section III below, may continue to operate. **Critical Businesses** must comply with **Social Distancing Requirements** at all times, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions. **Critical Businesses** that serve the public such as grocery stores and other **Critical Retail** shall comply with **Social Distancing Requirements** at all times including, but not limited to, when any customers are standing in line. **Critical Business** and **Critical Government Functions** shall continue to promote

telecommuting to the greatest extent possible.

C. All places of public accommodation subject to Public Health Order 20-22, as amended, that offer food and beverages may continue to offer food and beverage using delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Social Distancing Requirements**, except as prohibited or limited by **Executive Orders D 2020 091** as amended by **Executive Orders 2020 123, D 2020 142, D 2020 144, and D 2020 170**, or this Order. These entities include restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption as or from a licensed retail food establishment, referred to in this Order as **Restaurants**; and bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals, referred to in this Order as **Bars**.

1. Effective May 27, 2020, Restaurants may open to in-person dining at 50% of the indoor posted occupancy code limit, not to exceed 50 patrons, whichever is less, per room. Effective June 18, 2020, extra large Restaurants may expand to no more than 100 patrons indoors, per room, within their usable space calculated using the [Social Distancing Space Calculator](#). Tables or groups must be limited to no more than 8 people and be spaced so that patrons are a minimum of 6 feet apart. Restaurants may also use any existing, licensed outdoor space for in-person dining with the same group limit of 8 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Additional requirements for Restaurants are contained in **Appendix I**.

2. Effective June 18, 2020, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption, referred to as **Bars**, may operate with the lesser of 25% of the posted occupancy limit or 50 patrons, whichever is less, per room. If the establishment also ensures access to food from a licensed retail food establishment for on-premise consumption, it may operate at the lesser of 50% of the posted occupancy limit or no more than 50 patrons indoors, per room, within their usable space calculated using the [Social Distancing Space Calculator](#). Extra large establishments may expand to no more than 100 patrons indoors, per room, within their usable space calculated using the [Social Distancing Space Calculator](#). All establishments shall follow the Restaurant requirements contained in Appendix I.

3. Effective July 1, 2020, paragraph 2 in this Section II.C is rescinded, and only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and follow the **Restaurant** requirements in Appendix I of this Order, including seating all patrons at tables a minimum of 6 feet apart, may operate up to 50% of the posted occupancy

limit or 50 patrons indoors, whichever is less, per room. Extra large establishments may expand to no more than 100 patrons indoors per room within their usable space calculated using the [Social Distancing Space Calculator](#). All other **Bars** are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages with food service offered through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Social Distancing Requirements**.

4. Effective 10:00 PM Saturday, August 22, 2020, pursuant to **Executive Order D 2020 170**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 11:00 P.M. and 7:00 A.M. MDT each day. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3- 403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. Nothing in **Executive Order D 2020 170**:

a. prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after 11:00 P.M. MDT but takeout alcohol beverage sales are not permitted after 11:00 P.M. MDT; or

b. changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.

D. All **Non-Critical Retail**, as defined in Section III below, may operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, or any other manner allowing for strict compliance with mandatory social distancing requirements, similar to the requirements for **Critical Retail**. Additional requirements for **Critical** and **Non-Critical Retail** are contained in **Appendix A** of this Order.

E. All **Field Services**, including real estate, may resume operations, in accordance with the requirements of this Order including **Appendix B**. Real estate includes in-person real estate showings and marketing services which must adhere to **Social Distancing Requirements** with cleaning and disinfection between each showing. Open houses must follow the Indoor Event requirements in Section I.H.4 of this Order.

F. Other health care services not covered by **Executive Order 20 045 Voluntary or Elective Surgeries Or Procedures** and extended by **Executive Orders D 2020 080, D 2020 114 D 2020 145, and D 2020 169**, in certain limited healthcare settings may resume if done in accordance with the requirements of **Appendix E**.

G. Effective May 1, 2020, **Non-Critical Retail** and limited **Personal Services** may resume in-person services if they meet the requirements in Section II.I below and the additional requirements outlined for these services in **Appendices A and D** of this Order.

H. Effective May 4, 2020, the following businesses may reopen in accordance with the requirements of this Order:

1. **Non-Critical Office-Based Businesses** operating in an office and not a production environment, as defined in Section III below, may allow up to fifty (50) percent of their employees to conduct in-person work that takes place outside a private residence in accordance with the requirements in Section II.I below and the additional requirements outlined in **Appendix C**.

2. **Non-Critical Manufacturing** operating in a production environment with no more than ten (10) employees that comply with the requirements in Section II.I below and the additional requirements in **Appendix H**. Effective June 18, 2020, **Non-Critical Manufacturing** may operate at 50% capacity not to exceed 50 employees per room.

I. **All Business and Government Functions.** **All Businesses and Government Functions** shall all follow the protocols below:

1. Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):

- a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
- b. maintain 6 foot separation between employees and discourage shared spaces;
- c. [clean and disinfect](#) all high touch areas;
- d. post signage for employees and customers on good hygiene;
- e. ensure proper ventilation;
- f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or provide sufficient spaces where appropriate distancing can be maintained if larger gatherings are required by law, such as for some government functions like trials;
- g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to

the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:

1. send employee home immediately;
  2. increase cleaning in your facility and require social distancing of staff at least 6 feet apart from one another;
  3. exclude employee until they are released from isolation by public health. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved and 10 days have passed since their first symptom. A limited number of people with severe illness may require longer isolation; and
  4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
- h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.
2. Employers shall take all of the following measures regarding employees to minimize disease transmission:
    - a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
    - b. provide work accommodations for people who are at risk of severe illness from COVID-19 who remain subject to **Stay at Home** advisement, prioritizing telecommuting, as people who are at risk for severe illness from COVID-19 shall not be compelled to go to work during the pendency of this pandemic emergency;
    - c. provide to the greatest extent possible flexible or remote scheduling for employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
    - d. encourage and enable remote work whenever possible;

- e. encourage breaks to wash hands or use hand sanitizer;
- f. phase shift and breaks to reduce density; and
- g. provide appropriate protective gear like gloves, masks, and face coverings as defined by OSHA industry standards and require face coverings for all employees in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.

3. Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:

- a. create whenever possible special hours for people who are at risk of severe illness from COVID-19 only;
- b. encourage 6 foot distancing inside of the business for all patrons;
- c. encourage customer use of protection like gloves and face coverings and require face coverings for all customers in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**;
- d. provide hand sanitizer at the entrances to the greatest extent possible; and
- e. use contactless payment solutions, no touch trash cans, etc. whenever possible.

4. Employers with over fifty (50) employees in any one location shall, in addition to the above requirements, implement the following protocols:

- a. implement employee screening systems that follow the requirements of Section II.I.1.g above in one of the following ways:
  - i. Set up stations at the worksite for symptom screening and temperature checks; or
  - ii. Create a business policy that requires at-home employee self-screening each work day and reporting of the results to the employer prior to entering the worksite;
- b. close common areas to disallow gatherings of employees;
- c. implement mandatory cleaning and disinfection protocols; and
- d. require mandatory adherence to **Social Distancing Requirements**.

**J. Work Accommodations.** Employers must provide reasonable work accommodations for people who are at risk of severe illness from COVID-19 who are still under the **Stay at Home** advisement, such as telecommuting. Employers are encouraged to provide reasonable work accommodations for individuals who reside with or are caring for people who

are at risk of severe illness from COVID-19, or facing child care needs while schools remain closed.

**K. Children's Day Camps, Residential Camps and Youth Sports Camps.**

1. Effective June 1, 2020, children's day camps, youth sports camps and exempt single skill-building youth camps may open in accordance with the requirements in **Appendix J** of this Order.

2. Effective June 18, 2020, residential camps may operate with groups of 10 indoors and 25 outdoors, and must follow the requirements of **Appendix J** of this Order.

**L. Specific Industry Requirements.** Additional requirements for specific industries are included in the following Appendices to this Order:

1. **Appendix A:** Critical and Non-Critical Retail Requirements
2. **Appendix B:** Field Services
3. **Appendix C:** Non-Critical Office-Based Businesses
4. **Appendix D:** Personal Services
5. **Appendix E:** Limited Healthcare Settings
6. **Appendix H:** Non-Critical Manufacturing
7. **Appendix I:** Restaurants
8. **Appendix J:** Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps
9. **Appendix K:** Outdoor Recreation

**M. Houses of Worship.** Houses of worship are encouraged to implement electronic platforms to conduct services whenever possible or to conduct more frequent services of 10 people or less to allow for compliance with **Social Distancing Requirements**. Effective June 4, 2020, houses of worship may open to 50% of the posted occupancy limit indoors not to exceed 50 people, whichever is less, per room, while meeting the 6 feet distancing requirements in every direction between non-household members. Effective June 18, 2020, extra large houses of worship may operate up to 100 people indoors, per room, within their usable space calculated using the [Social Distancing Space Calculator](#). For outdoor worship services, a house of worship must maintain 6 feet distance between non-household members and work with the appropriate local authority to obtain approval for the maximum number of individuals who may attend in the designated outdoor space. In addition to meeting the requirements of Section II.I of this Order, houses of worship shall also meet the following requirements:

1. Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, for all individuals in public indoor settings, including houses of worship, and are encouraged for all individuals participating in outdoor worship services, unless the individual is 10 years of age or

younger, cannot medically tolerate a face covering, or is participating in one of the activities described in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.

2. Houses of worship should follow the [Colorado Department of Health and Environment Cleaning Guidance](#), as well as the [CDC guidelines for Cleaning and Disinfecting Your Facility](#) in preparing their buildings prior to, during, and following any gathering. Restrooms and the worship space, particularly any metal or plastic on chairs, and all high touch surfaces or shared objects must be cleaned and disinfected between services.

### III. Definitions

A. **Necessary Activities.** For purposes of this PHO, individuals are encouraged to only leave their Residence to perform any of the following **Necessary Activities**, provided they comply at all times and to the greatest extent possible with **Social Distancing Requirements** below. People at risk of severe illness from COVID-19 are urged not to leave their residence except as necessary to receive medical care. People who are sick must not leave their residence except as necessary to receive medical care, and must not go to work, even for a **Critical Business**. **Necessary Activities** include:

1. Engaging in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
2. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.
3. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running. For purposes of outdoor activity, State parks will remain open to the public who live in the vicinity to engage in walking, hiking, biking, running, camping and similar outdoor activities, basketball and tennis courts may be open for use. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. For ski resorts, the local public health agency must approve the ski resort's plan prior to opening. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Social Distancing Requirements** defined in Section III, below.

4. Performing work providing for businesses, government entities, and industries authorized Section II of this Order, or to otherwise carry out activities permitted in this Order.
5. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.

**B. Necessary Travel.** For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing **Necessary Activities, Minimum Basic Operations, Critical Government Functions**, and **Critical Businesses**, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a new residence, including individuals whose Residence is unsafe due to domestic violence concerns.

**C. Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed in **Appendix F**, must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Social Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. A list of Critical Businesses is contained in **Appendix F** to this Order.

**D. Critical Government Functions.** The provision, operation and support of the following state and local government functions shall continue:

1. Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
2. Emergency response
3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions

5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
6. Designated emergency shelters
7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**
10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
11. Hazardous material safety
12. Services to at-risk populations and people who are at risk of severe illness from COVID-19
13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Social Distancing Requirements** are observed to the greatest extent possible
14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
15. Election operations, including but not limited to election judges, signature gatherers/circulators, campaign workers and volunteers

**E. Field Services** means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.

**F. Gym** means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.

**G. Horse track** means a licensed race track, which is any premises licensed pursuant to this Article 32 of Title 44 of the Colorado Revised Statutes for the conduct of racing. Sections 44-32-102(2)(a), (2)(b), (3), (8) & (24), C.R.S.

**H. Minimum Basic Operations.** The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Social Distancing Requirements**.

**I. Non-Critical Office-Based Business** means any commercial business that is conducted in an office and not a production environment and is not included in the list of **Critical Businesses** in **Appendix F**.

**J. Non-Critical Retail** means any retail service that is not included in the list of critical retail services in **Appendix F**. Examples of **Non-Critical Retail** include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops, apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.

**K. Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. These individual services may only be performed with 50 or fewer people in a common business space at a maximum of 50% occupancy for the location, whichever is less, including both employees and patients, e.g. 5 chiropractors providing services to 5 customers, with **Social Distancing Requirements** in place of 6 feet distancing between customers receiving services. Employees must wear medical grade masks at all times, and patients must wear at least a cloth face covering at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, or if the service provided requires removal of the customer's face covering. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of Reference PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-28.

**L. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, pastoral services except as specified in **Appendix F**, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**. These individual services may only be performed with 10 or fewer people in a common business space at a maximum of 50% occupancy for the location, whichever is less, including both employees and customers, e.g. 5 hairstylists providing services to 5 customers, with **Social Distancing Requirements** of at least 6 feet distancing between different customers receiving services. Both employees and customers must wear at least a cloth face covering or a medical grade mask at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, or if the service provided requires removal of the customer's face covering.

1. Effective June 4, 2020, individual personal services may be performed at 50% of the posted occupancy limit not to exceed 50 people in a common business space.

**M. “Safer at Home”** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.

**N. Social Distancing Requirements.** To reduce the risk of disease transmission, individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.

**O. Stay at Home** means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide, support, perform, or operate **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses**.

**P. “Vulnerable Individual”,** also known as an individual at risk of severe illness from COVID-19, means:

1. Individuals who are 65 years and older;

2. Individuals who have cancer;
3. Individuals who have chronic kidney disease;
4. Individuals who have chronic obstructive pulmonary disease;
5. Individuals who are immunocompromised;
6. Individual who have a body mass index of 30 or higher;
7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
8. Individuals who have Sickle cell disease;;
9. Individuals who have Type 2 diabetes mellitus; and
10. Other individuals determined to be high risk by a licensed healthcare provider.

**IV. Postsecondary Institutions.** Programs and courses at postsecondary institutions may resume in-person classes at 50% of the occupancy limit not to exceed 50 people per room. If the room is extra large, the institution may allow up to 100 people indoors, per room, within their usable space calculated using the [Social Distancing Space Calculator](#). Institutions that wish to resume providing in-person instruction must inform the Colorado Department of Higher Education, ensure that **Social Distancing Requirements** are strictly followed, and consult the Colorado Department of Higher Education's guidelines for further information. Institutions must follow the requirements for indoor events listed in Section I.H.4 of this Order.

**V. Variance Requests.** Any Colorado county may request a variance from the Colorado Department of Public Health and Environment authorizing implementation of an alternative COVID-19 suppression plan that differs from part or all the requirements of **Executive Order D 2020 091** as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170** or this Order. The variance request must include an alternative COVID-19 suppression plan endorsed by the local public health agency and adopted by the county commissioners or other county-level governing body, in addition to verification from local hospitals that they have the capacity to serve all people needing their care. Further guidance on variance requests is contained in **Appendix G**.

## **VI. Enforcement**

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with

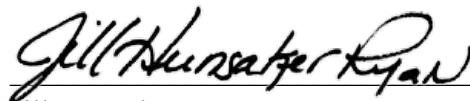
this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

## VII. Severability

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

## VIII. Duration

This Order shall become effective on Friday August 21, 2020 and will expire 30 days from August 21, 2020, unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH  
Executive Director

August 21, 2020

Date

### **Appendix A. Critical and Non-Critical Retail Requirements**

### **Appendix B. Field Services**

### **Appendix C: Non-Critical Office-Based Businesses**

### **Appendix D: Personal Services**

### **Appendix E: Limited Healthcare Settings**

### **Appendix F: Critical Businesses List**

### **Appendix G: County Variance Requests**

### **Appendix H: Non-Critical Manufacturing**

### **Appendix I: Restaurants**

### **Appendix J: Children's Day Camps, Residential Camps, Youth Sports Day Camps And Exempt Single Skill-Building Youth Camps**

### **Appendix K: Outdoor Recreation**

## **APPENDIX A. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS**

**I.** Effective April 27, 2020, in addition to meeting the requirements of this Order, and specifically Section II.I, **Non-Critical Retail** may operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, or any other manner allowing for strict compliance with mandatory **Social Distancing Requirements**, except as prohibited or limited by this Order. Restricting interactions to curbside pick-up or delivery minimizes touch. **Non-Critical Retailers** are encouraged to continue curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section II.I, in addition to the specific requirements in this Appendix. Indoor malls are addressed separately in Section III of this **Appendix**.

**A.** **Critical** and **Non-Critical Retail** must implement the following measures within the workplace to minimize disease transmission:

1. Elevate and increase frequency of cleaning practices, including cleaning and disinfection of high touch areas.
2. Restrict return policy to only items that can be properly sanitized prior to re-selling.
3. Post signage for employees and customers on good hygiene and other sanitation practices.

**B.** **Critical** and **Non-Critical Retail** must implement the following measures regarding employees to minimize disease transmission:

1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, face coverings are required in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.
3. Encourage frequent breaks to allow employees to wash or sanitize their hands.

4. Require employees to stay home when showing any symptoms or signs of sickness.
5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.

C. Employers must implement the following measures regarding customers to minimize disease transmission:

1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines, and
2. Require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.

II. Effective May 1, 2020, **Non-Critical Retail** may open at fifty percent (50%) capacity for in-person services if the business can demonstrate compliance with all of the following requirements:

A. **Critical and Non-Critical Retail** must continue implementing the measures within the workplace listed in Section I.A of this **Appendix A**, and in addition:

1. maintain 6 foot distancing between patrons and employees;
2. effectively symptom monitor employees as listed in Section II.I;
3. provide face coverings, and gloves as necessary and appropriate, to employees;
4. ensure ability to adequately clean and disinfect both back-room and retail spaces; and
5. provide dedicated, in-store hours for vulnerable or at-risk individuals.

B. **Critical and Non-Critical Retail** must implement the measures regarding employees listed in Section I.B of this **Appendix A**.

C. **Critical and Non-Critical Retail** must implement the measures to minimize disease transmission for customers listed in Section I.C of this **Appendix A** in addition to the following measures:

1. limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
2. provide decals and demarcation for waiting area in lines that meet social distancing criteria;

3. create signage encouraging vulnerable and at-risk individuals to refrain from shopping outside of dedicated hours set aside for those who are more vulnerable or at-risk;
4. create signage to encourage the use of masks and gloves by customers while on the premises; and
5. provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.

**III. Retail Markets and Malls.** Indoor and outdoor market operators and indoor mall operators shall follow the indoor or outdoor event guidance, as appropriate. Individual vendors operating within these venues must follow the **Retail** requirements.

## APPENDIX B: FIELD SERVICES

**I.** Effective April 27, 2020, **Field Services** may resume if the business can demonstrate compliance with the requirements in Section II.I of this Order, in addition to the following requirements specific to **Field Services**:

**A.** Employers must implement the following measures regarding employees to minimize disease transmission:

1. adhere to all general rules or guidance on social gathering limitations when working out of the office;
2. implement procedures for field-based employees to monitor for symptoms and report-in to management daily on health status.
3. comply with the **Social Distancing Requirements** and maintain a 6 foot distance between employees and from their customers;
4. provide gloves and masks for any customer interactions or work being done in third-party home, office spaces, or other public indoor spaces;
5. When scheduling or conducting field services, either the employer or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and exercise caution when inside the home and interacting with anyone in the home if they do;
6. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, and location of contact, as well as the contact's phone number and/or email address;
7. require that all tools or equipment be sanitized after each customer visit;.
8. prioritize work accommodations for individuals at risk of severe illness from COVID-19, prioritizing telecommuting;
9. provide guidance and encouragement on personal sanitation, including frequently washing hands. This guidance should include all of the following:
  - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
  - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
  - c. avoid touching your eyes, nose, and mouth with unwashed hands;
  - d. stay home if you're sick, and keep your children home if they are sick; and
  - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and

10. real estate open houses must follow the indoor events requirements in Section I.H.4 of this Order.

**B.** Employers must implement the following measures regarding customers to minimize disease transmission:

1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
2. provide contactless payment options in the field whenever possible;
3. encourage customers to maintain 6 foot distancing from field service employees; and
4. encourage customers to use facial coverings when field services are being conducted and pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, require face coverings if the services are provided in a public indoor space unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.

## **APPENDIX C: NON-CRITICAL OFFICE-BASED BUSINESSES**

**I.** Effective May 4, 2020, **Non-Critical Office-based Businesses** may resume at fifty percent (50%) of their in-office occupancy if the business can demonstrate compliance with the requirements of this Order, including Section II.I, and all of the following:

**A.** Employers must implement the following measures within the workplace to minimize disease transmission:

1. ensure a minimum of 6 feet of space between all desks and workspaces;
2. modify the flow of people traffic to minimize contacts, such as identifying doors for entry or exit only;
3. conduct standard office cleaning with increased frequency and supplement with sanitization of high touch areas, in accord with [CDPHE guidelines](#);
4. provide employees with cleaning and disinfecting products and guidance on daily workspace cleaning routines; and
5. post signage for employees and customers on good hygiene and new office practices.

**B.** Employers must implement the following measures regarding employees to minimize disease transmission:

1. maintain in-office occupancy at no more than 50% of total by maximizing use of telecommuting and developing in-office rotation schedules;
2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
4. pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, require face coverings for all employees, volunteers, and vendors in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**;
5. require gloves and masks for any customer interactions; and
6. allow telecommuting to the greatest extent possible.

**C.** Employers must implement the following measures regarding customers to minimize disease transmission:

1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;

2. pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to individuals at risk of severe illness from COVID-19 if possible.

## APPENDIX D: PERSONAL SERVICES

**I.** Effective May 1, 2020, **Personal Services** may resume if the business can demonstrate compliance with the requirements of this Order, including Section II.I, and all of the following:

**A.** Employers and sole proprietors must implement the following measures within the workplace to minimize disease transmission:

1. Employ strict hygiene guidelines and cleaning and disinfection procedures for all contact surfaces and tools, in accordance with [CDPHE Worker and Customer Protection Guidelines for Non-Healthcare Industries](#);
2. Ensure a minimum of 6 feet of separation between clients and customers, including services for pets, when not directly performing service;
3. Post signage for employees and customers on good hygiene and safety measures being taken;
4. Minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings; and
5. Through June 3, 2020, limit individuals, including employees and customers, to no more than 10 people in a common business space at a maximum of 50% occupancy. Effective June 4, 2020, limit individuals including employees and customers, to no more than 50 people in a common business space at a maximum of 50% occupancy. All businesses offering services through employees or lessees in individual rooms must comply with the requirements of this Order for each room.

**B.** Employers must implement the following measures regarding employees to minimize disease transmission:

1. Services with close personal contact, such as beauty professionals, massage, etc., must implement the following:
  - a. wear a face covering and gloves at all times, or, if wearing gloves is not feasible or appropriate, meticulous hand washing;
  - c. change gloves and wash hands between every individual or pet served;
  - d. clean and disinfect all shared equipment and tools between every individual or pet served; and
  - e. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number and/or email address.

- f. As of June 18, 2020, for services where the client cannot wear a mask (facials, beard trims, etc.), the employee or practitioner is strongly encouraged to wear a medical-grade mask whenever possible, and must wear a face shield in addition to their mask.
  2. Personal services with low personal contact, such as movers or repair services, must implement the following:
    - a. maintain a minimum of 6 feet of separation between customers and adhere to social gathering limits of no more than 10 people;
    - b. require face coverings and, if feasible, gloves for any customer interactions; and
    - c. provide guidance on strict hygiene precautions to employees.
- C. **Personal Services** must implement the following measures regarding customers to minimize disease transmission:
1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and limit all group classes of any kind for individuals or for pets, pet training classes, or other activities associated with picking up pets to no more than 10 customers at a time and all following **Social Distancing Requirements**;
  2. require customers to wear face coverings, except
    - a. for personal training in a pool,
    - b. if the service being performed requires the removal of a mask (e.g. a facial, lip waxing or beard trim), or
    - c. where the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
    - d. if a customer does not have a mask, a "disposable mask" could be provided;
  3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
  4. provide contactless payment options whenever possible.

## APPENDIX E: LIMITED HEALTHCARE SETTINGS

I. Effective April 27, 2020, **Limited Healthcare Settings** may resume if the healthcare entity can demonstrate compliance with the requirements of this Order, including Section II.I and may restart voluntary and elective surgeries and procedures in limited healthcare facilities and offices with required personal protective equipment (PPE) in accord with the priorities, requirements, and specific criteria below.

- A. Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:
  1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.<sup>1</sup>
  2. The practice must implement strict infection control policies as recommended by the CDC.<sup>2</sup>
  3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, with no more than fifty (50) people in a common business space at a maximum of 50% occupancy, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
  4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
  5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
  6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.
- B. Employers of **Limited Healthcare Settings** must implement the following measures regarding employees to minimize disease transmission:
  1. Services with close, direct personal contact must implement the following:
    - a. wear medical grade mask and gloves at all times; however, acupuncturists may substitute good hand hygiene by thoroughly washing hands before and after seeing each patient for the gloves if their licensing requirements and standards so allow;

<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>

- b. change gloves and wash hands between every patient;
  - c. clean and disinfect all shared equipment and tools between every patient; and
  - d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
  - e. As of June 18, 2020, for services where the client cannot wear a mask, the employee or practitioner must wear a face shield in addition to their mask.
2. Services with low personal contact must implement the following:
    - a. maintain a minimum of six 6 feet of separation between customers and limit to no more than ten (10) people in a common business space at a maximum of 50% occupancy.
    - b. require face coverings and, if feasible, gloves for any customer interactions; and
    - c. provide guidance on strict hygiene precautions to employees.
  3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

C. **Limited Healthcare Settings** must implement the following measures regarding customers to minimize disease transmission:

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow social distancing protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms

- and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.
  7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.
  8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
  9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.

D. As best practice, it is recommended that once voluntary and elective surgeries and procedures resume, **Limited Healthcare Settings** reassess their operations every two weeks, in order to ensure:

1. All of the above approaches and criteria are being met;
2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
  - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency<sup>3</sup>;
3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Social Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

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<sup>3</sup> Urgent and emergent care should continue in accordance with OHA and CMS guidance.

## APPENDIX F: CRITICAL BUSINESSES

**Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, may continue to operate as normal. **Critical Businesses** must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Social Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. **Critical Businesses** do NOT include health clubs as defined in C.R.S. § 6-1-102(4.6), fitness and exercise gyms, and similar facilities, or any of the other businesses required to close by PHO 20-22.

“Critical Business” means:

### 1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

### 2. Critical Infrastructure, Including:

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater

- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses
- Hotels, and other places of accommodation
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals
- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

### **3. Critical Manufacturing, Including:**

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a **Critical Business**

### **4. Critical Retail, Including:**

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants and bars as authorized in **Appendix I** of this Order

- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant to **Executive Order D 2020 011**)
- Liquor stores
- Firearms stores
- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)
- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

### **5. Critical Services, Including:**

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses
- Building cleaning and maintenance
- Child care services
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries may operate at 50% of the posted occupancy limit not to exceed 50 people, with strict compliance with **Social Distancing Requirements** for employees and any attendees of services
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided social distancing is observed to the greatest extent possible.
- Houses of worship may operate as authorized in Section II.M of this Order
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, and other related facilities
- Moving services

- In person group counseling or recovery meetings for substance abuse or behavioral health following social distancing of 6 feet and no more than 10 participants

## **6. News Media**

- Newspapers
- Television
- Radio
- Other media services

## **7. Financial and Professional Institutions, Including:**

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

## **8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:**

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

## **9. Construction, Including but not Limited To:**

- Housing and housing for low-income and vulnerable people
- Skilled trades such as electricians, plumbers
- Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses or Critical Government Functions**, and other essential services

## **10. Defense**

- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

## **11. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:**

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security
- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection
- Snow removal
- Bail bonds agents
- Pest control

## **12. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services:**

- Logistics
- Technology support for online and telephone services
- Child care programs and services
- Government owned or leased buildings
- **Critical Government Functions**

**13. Educational Institutions that Provide Critical Services to Students and the General Public:**

- P-12 public school and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and providing other essential services to students, provided that **Social Distancing Requirements** are observed.
- Postsecondary institutions, including private and public colleges and universities, for the purpose of facilitating distance learning, providing in person classroom or laboratory education for less than 10 students per classroom or lab in medical training fields only, or performing essential functions, provided that **Social Distancing Requirements** are observed, such as security, medical and mental health services, housing, food services, and critical research.

## APPENDIX G: COUNTY VARIANCE REQUESTS

Governor Jared Polis issued **Executive Order D 2020 044 Safer at Home** effective April 27, 2020, updated with **Executive Order D 2020 079**, and now replaced with **Executive Order D 2020 091 Safer at Home in the Vast, Great Outdoors** as amended by **Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170**. The key elements of the Order are that most people still stay at home as much as possible and avoid unnecessary social interactions; vulnerable populations continue to stay at home except to support or perform necessary activities or participate in critical government functions or critical businesses; there is limited reopening of postsecondary institutions, and certain business operations are permitted; people are still encouraged to stay within their county of residence or employment as much as possible; public and private gatherings of more than ten (10) persons are prohibited; and Coloradans are advised to wear non-medical cloth face coverings that cover the nose and mouth whenever in public, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

Any county that desires to apply for a variance from part or all of the executive order may do so after meeting the following criteria and submitting an alternative COVID-19 suppression plan to be approved or denied by the Colorado Department of Public Health and the Environment (CDPHE). The application must be submitted directly to CDPHE through the online application process, found [here](#).

Criteria for variance consideration:

- 1) The local public health agency endorses the alternative plan;
- 2) Local hospitals can verify that they have the capacity to serve all people needing their care;
- 3) The county commissioners or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council, vote affirmatively to adopt the alternative plan in place of the state Safer-At-Home order; and
- 4) Counties with sovereign tribal nations (Ute Mountain Ute and Southern Ute Indian tribes) must obtain a letter of support from tribes and include it with their variance application.

The local variance process allows communities that are not experiencing a high rate of transmission to tailor social distancing policies to local conditions, in order to promote community wellness and economic stability. To protect other communities and hospital systems statewide, it is paramount that the local variance process only be used when transmission is at a low enough level to be suppressed through testing and containment efforts to detect positive cases, ensure successful isolation and quarantine close contacts. Examples of local conditions that should be considered in seeking a variance include: a low number of new cases per day, cases declining for the past 14 days, incidence below the state average, declining positive tests as

a percent of total tests for the past 14 days, low and stable case growth rate or equivalent, and having an early warning system to detect an increase in community spread or outbreaks, with triggers for tightening restrictions to prevent a breach of local hospital system capacity.

Considerations and triggers should be documented in the plan submitted to CDPHE.

Variance requests will be evaluated based on local epidemiological data to assess whether the county requesting the variance has a disease prevalence that is low, medium, or higher than the statewide average. If higher, other metrics may be considered such as two-week case trend, percent positivity of tests and, whether outbreaks exist and are contained. The variance will be commensurate with the local virus transmission and disease burden.

CDPHE is available to provide technical assistance to any county considering a variance. The department will consider applications for variances based on the submitted plan's rationale for a step down and the presence of an early warning system with triggers for tightening back up. CDPHE reserves the right to approve or deny applications. All variances granted pursuant to this Order remain in effect until the Order expires without further extension or is terminated, unless automatically rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county.

Approved local variances may be rescinded at the discretion of the local public health agency based on changes to State executive or public health orders. If a variance request is rescinded at the local level, the state orders will remain in effect. Local public health agencies may also choose to maintain approved variance requests in the event that a State order becomes less restrictive than the approved variance. At no point may an approved variance request be altered to be less restrictive in any aspect than state orders without updated approval from the Colorado Department of Public Health and Environment.

Counties that choose to not comply with this executive order or an approved variance will be subject to the loss of emergency preparedness funds.

## **APPENDIX H: NON-CRITICAL MANUFACTURING**

**I.** Effective May 4, 2020, **Non-Critical Manufacturing** may resume if the business can demonstrate compliance with the requirements of this Order, including Section II.I, and all of the following:

- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Create and implement policies or procedures for all of the following:
    - i. Limiting group interactions to keep any group less than ten (10) people by
      - a. staggering of shift changes, breaks, lunches, etc., and
      - b. eliminating all-staff in-person meetings or lunches;
    - ii. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
    - iii. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
    - iv. Limiting the sharing of tools, equipment, or other resources to the greatest extent possible, and if not feasible, implement cleaning and disinfection protocols as often as possible for any such shared tool, equipment and resources; and
    - v. Requiring hand washing upon arrival and before departure, establishing set hand washing time frames throughout shifts, and providing additional hand washing stations if possible.
  2. Conduct cleaning protocols as follows:
    - i. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
    - ii. Establish protocols to increase the frequency of sanitization in work and common spaces, following OSHA requirements and CDPHE guidance, [found here](#);
  3. Provide contactless options, such as entry to the worksite, payments, etc., whenever applicable and possible;
  4. Use paperless, electronic options whenever possible to reduce the use of sharing paperwork;
  5. Ensure ventilation of work and break areas is in line with [OSHA guidance](#);
  6. Support transportation arrangements that discourage carpooling; and
  7. Develop a Preparedness and Response document in accordance with OSHA guidance.

**B.** Employers must implement the following measures for employees to minimize disease transmission:

1. Provide guidance about how to comply with 6 foot distancing;
2. Designate workers to monitor and facilitate distancing on processing floor lines;
3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties;
4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
5. Disinfect work stations between shifts and/or at the end of the workday;
6. Group employees into teams or shifts that remain together;
7. Stagger employee lunch and break times;
8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
9. Encourage the wearing of masks or other face coverings while carpools, and individuals are required pursuant to Executive Order D 2020 138 to wear a face covering while taking public transportation, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

**C.** Employers must implement the following measures regarding customers to minimize disease transmission:

1. Prohibit entry to the worksite of all non-essential external visitors;
2. Conduct symptom checks for any essential visitors who will interact with employees;
3. Require essential visitors to wear masks or face coverings, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

## APPENDIX I: RESTAURANTS AND BARS

I. Effective May 27, 2020, while **Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery, **Restaurants** may resume in-person dining and effective July 1, 2020 **Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption may resume in-person service if the business can demonstrate compliance with the requirements of this Order, including Section II.I, and all of the following:

A. Employers must implement the following measures within the workplace to minimize disease transmission:

1. Indoor and outdoor in-person services
  - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
  - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
  - c. Limit party size to 8 people or less.
  - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
  - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
  - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
2. Additional indoor dine-in service requirements include:
  - a. Limit service to no more than 50% of the indoor posted occupancy limit for Restaurants and Bars that serve food from a retail food licensee with tables at least 6 feet apart and set seating for on-premise consumption, with no more than 50 patrons total, whichever is less, per room.
  - b. Extra large establishments that wish to exceed 50 people may use the [Social Distancing Space Calculator](#) for indoor events to determine how many additional patrons they can accommodate up to 100 patrons per room.
  - c. Ensure proper ventilation per [OSHA guidance](#).
3. **Restaurants**, and **Bars** that serve food from a retail food licensee with

tables at least 6 feet apart and set seating for on-premise consumption, must make every effort to maintain physical distancing at all times, both inside and outside the establishment, including:

- a. Using a reservation system, exclusively if possible;
  - b. Disallowing close proximity to others outside the patron's group by:
    - i. eliminating communal and seat yourself options
    - ii. providing a hostess seating option or staffing the dining area to ensure cleaning and disinfection between prior to the next seating
    - iii. allowing bar seating options only if the bar is not being used for bar service or if there is a clearly designated and separated section of the bar that is not being used for bar service;
  - c. Eliminating customer service buffets; and
  - d. Provide appropriate signs or markings within the **Restaurant** or **Bar** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic.
  - e. Performers in a restaurant or bar whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, must maintain a minimum of 25 feet of distance from the patrons.
4. **Restaurants**, and **Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, must implement measures to maintain the cleanliness and sanitation of the restaurant, including:
- a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
  - b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
    - i. Clean and disinfect restrooms and high touch areas every hour, and
    - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
  - c. Use disposable items wherever possible, such as single-use menus and condiments.
  - d. Eliminate multi-use utensils (such as hot dog roller tongs, bulk food bins and coffee urns) at self-service stations that have and implement touchless self-service wherever practicable.

B. Employers must implement the following measures for employees to minimize disease transmission:

1. Establish a minimum of 6 foot physical distancing standards and train employees on maintaining distancing between employees to the greatest extent

- possible
- a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
  - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
  - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
2. Face coverings and gloves
    - a. Require employees to wear face coverings at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, and encourage the use of gloves when in contact with customers or goods.
    - b. Require face coverings and encourage gloves for vendors, suppliers, and contract workers entering the licensed establishment, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
  3. Employee sanitary requirements
    - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
    - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.

C. Employers should implement as many of the following measures as feasible regarding customers to minimize disease transmission and assist in any necessary outbreak investigations:

1. To facilitate notifying customers if a disease exposure occurs, consider
  - a. providing an option for customers to "sign in", and
  - b. utilizing a reservation system;
2. Implement as feasible the following low or no touch options:
  - a. Provide contactless payment options, and
  - b. Continue curbside pick up/delivery options and recommend for vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
3. Ensure 6 foot distancing at all times by implementing the following:
  - a. Block off lobbies or waiting areas completely, or establish customer waiting areas that maintain proper social distancing from other guests, and
  - b. Restrict standing or congregating in public spaces such as the bar area, entrance or exit; and
4. Pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse

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to adhere to hygiene and social distancing requirements.

**APPENDIX J: CHILDREN'S DAY CAMPS, RESIDENTIAL CAMPS,  
YOUTH SPORTS DAY CAMPS AND EXEMPT SINGLE  
SKILL-BUILDING YOUTH CAMPS**

I. Effective June 1, 2020, summer camps and sports camps may open for business if the camp operator can demonstrate compliance with the requirements in this Appendix. Effective June 18, residential camps may open for business if the camp operator can demonstrate compliance with the requirements of this Appendix.

A. Prior to hosting a camp, the camp operators must create a plan that implements all of the following:

1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
  - a. Groups of campers are limited to 25 or fewer outdoors, and 10 or fewer indoors per room, and shall not mix with other groups.
  - b. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space. If the space is large enough to accommodate multiple groups and maintain 6 feet physical distancing, multiple groups are permitted.
  - c. Require face coverings during transportation in camp vehicles to and from the camp, unless the individual is 10 years of age or younger or cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
2. For staff and camper health and safety:
  - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers, and require face coverings for all individuals in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**.
  - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
  - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
  - d. Ensure the on-call availability of a nurse or health care professional.
  - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
  - f. Prepare procedures for closures following a case or outbreak of COVID-19.
  - g. Provide access to or sufficient supplies of all of the following:
    - i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;

- ii. handwashing/hand sanitizing locations; and
- iii. adequate cleaning and disinfecting supplies
- h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.

B. Camp operators must meet all of the following requirements while camps are in session:

- 1. Staff, volunteer and camper health.
  - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)
  - b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
  - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
  - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
- 2. Require staff, volunteers and campers to do all of the following:
  - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
  - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
  - c. Stagger activities as much as possible to avoid any mixing of groups, and
  - d. Wear masks or face coverings in public indoor spaces and encourage the use outdoors, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
- 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
- 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
- 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.
- 6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.

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7. Prohibit family and buffet style food services, self service and counter food service, and other configurations that require campers to share utensils. Clean and disinfect dining areas and high touch surfaces between groups.

8. For residential camps, disallow non-essential visitors to the camp and prohibit external community organizations from sharing the camp space during the camp session.

## **APPENDIX K: OUTDOOR RECREATION**

I. Effective June 4, 2020, outdoor recreation services or activities, including non-guided and guided recreation, equipment rentals, river outfitters, rafting, Jeep tours, developed hot springs, zip lines, ropes courses, and outdoor artificial climbing walls, may operate if authorized by the local jurisdiction. Operators of recreational services and activities must meet any local policies in effect as well as all of the following requirements:

A. Distancing and Capacity Requirements

1. Maintain a distance of 6 feet from patrons and fellow employees, except in cases where it is unsafe to maintain that distance.
2. Limit the number of people inside a facility to no more than 10 at one time, at a maximum of 50% occupancy, or follow **Retail** or **Restaurant** guidelines where applicable.
3. For vehicles used to transport patrons, the following requirements apply:
  - a. No closed-air vehicles or tours are allowed, as windows must remain open during the transport or tour.
  - b. Limit smaller vehicles or crafts to two household units not including guides, up to 10 people. Where a distance of 6 feet can be ensured between household units, more than two households per vehicle/craft are permitted.
  - c. Limit passenger buses and vans to no more than 50% capacity, or less if distancing requirements cannot be met between groups, and prohibit use of the seat behind the driver.
6. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.
7. Maintain and promote physical distance during a tour or trip. Rafts or vehicles should not be full, and ensure distance between guide and patrons.

B. Hygiene, Cleaning and Disinfection Requirements

1. Post signs for employees and customers outlining good hand/respiratory hygiene and safety measures being taken. Signs should be in languages customers will understand. ([CDC examples](#))
2. Encourage hand hygiene by directing customers to where they can wash their hands with soap and water or use hand sanitizer.
3. Vehicles used to transport patrons must be cleaned and disinfected after each use.
4. Disinfect all equipment used by patrons as well as surfaces or items in common contact with patrons between each use.

C. Operators and Employees

1. Wear face coverings at all times in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, and also during staging and disembarking operations, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended by **Executive Order D 2020 164**, in which case reasonable accommodations should be pursued to

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maintain the safety and health of all parties. Where safe, wear face coverings during trip operations.

2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the CDPHE Symptom Tracker (Additional Guidance). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and referred to state or company support services.



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**FIRST EXTENSION OF JEFFERSON COUNTY PUBLIC HEALTH ORDER 20-007  
REQUIRING JCOPH PRE-APPROVAL FOR EVENTS AND VENUES TO ALLOW  
MORE THAN 100 PATRONS INDOORS OR 175 PATRONS OUTDOORS**

The Jefferson County Public Health Department ("JCOPH") is working to stop the spread of Coronavirus 2019 ("COVID-19"). To support this effort, I find it necessary to implement emergency measures to require all events and venues in Jefferson County, Colorado with more than one designated activity, which would allow the event or venue to exceed a total capacity of 100 patrons indoors or 175 patrons outdoors, to submit a plan and obtain pre-approval from JCOPH.

**FINDINGS AND NECESSITY OF ORDER**

COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States.

COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D2020-017, ordering all Coloradans to Stay-at-Home due to the presence of COVID-19 in the state ("Stay-at-Home Order").

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 ("Safer-at-Home Order").

On June 1, 2020, the Governor of Colorado issued Executive Order D2020-091, Safer-at-Home and in the Vast, Great Outdoors ("Safer-at-Home and in the Vast, Great Outdoors Order"), which was extended by Executive Order D2020-144 until August 22, 2020.

Jefferson County's movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Jefferson County.

On May 29, 2020, the Jefferson County Board of County Commissioners submitted its First Variance Request to the Colorado Department of Public Health and Environment (CDPHE) pursuant to Sixth Amended Public Health Order 20-28, which would allow Jefferson County to implement its own reopening plan under a specific framework that would allow businesses in Jefferson County additional opportunities to reopen while simultaneously applying appropriate restrictions to help prevent the spread of COVID-19 in Jefferson County.

On June 7, 2020, CDPHE approved Jefferson County's First Variance Request. The June 7, 2020 approval contains a provision that requires Jefferson County to notify CDPHE and implement a mitigation plan if it observes a threshold of 580 cases in a two-week period. If the mitigation plan does not restore the County's COVID-19 numbers to the baseline, then the First Variance is automatically rescinded.

On June 18, 2020, the Executive Director of CDPHE issued Seventh Amended Public Health Order 20-28, Safer at Home and in the Vast, Great Outdoors which, among other things, establishes face covering requirements and removal allowances for providers and customers of designated services, in effect through July 1, 2020, which was further amended by the Ninth Amended Public Health Order 20-28 (PHO 20-28) until August 22, 2020. The Ninth Amendment to PHO 20-28 extended the requirement to wear face coverings to all public indoor spaces.

People can be infected with the COVID-19 virus and be asymptomatic yet still be contagious. People can also be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others. Scientific evidence shows that limiting interactions among people slows virus transmission. For this reason, CDPHE PHO 20-28 and approved variances include specific limits on the number of people that may interact in various situations.

There is substantial evidence of the continued spread of COVID-19 throughout Jefferson County. As of August 20, 2020, there were 54,230 confirmed and probable cases of COVID-19 statewide in Colorado, and 4,501 confirmed and probable cases in Jefferson County, Colorado, as well as 1,815 deaths due to COVID-19 statewide and 234 deaths in Jefferson County.

Because of this increase in cases, on July 14, 2020, I issued JCPH Order 20-005, which required all persons in Jefferson County to wear face coverings in public settings when six-foot social distancing could not be maintained. Subsequently, on July 16, 2020, Governor Polis issued a similar, though not identical, Executive Order requiring all persons in the State of Colorado to wear face coverings in Indoor Public Settings. See EO D 2020-138, as amended and extended by EO D 2020 164 ("State Mask Order"). As a result of the state-wide order, I issued JCPH Order 20-006, which rescinded JCPH Order 20-005. All persons in Jefferson County must follow the State Mask Order.

While the State Mask Order regarding face coverings is helpful, additional regulation of outdoor events is necessary to slow the spread of COVID-19. Additionally, even though PHO 20-28 mandates that attendees at indoor and outdoor events wear face coverings, not all businesses in Jefferson have required large event attendees to wear face coverings. Therefore, on July 24, 2020, I issued JCPH 20-008 to supplement the provisions of the State Mask Order. JCPH 20-008 requires all individuals to wear a face covering when they are outside their Residence and when they are unable to maintain at least six feet of distance from non-household members.

As of July 20, 2020, Jefferson County's COVID-19 numbers were approaching the threshold set by CDPHE in Jefferson County's First Variance that would require a mitigation plan and potentially lead to the rescission of Jefferson County's First Variance. At that time, I found it necessary to implement additional measures in Jefferson County to minimize the spread of COVID-19 with the goal of maintaining the number of new COVID-19 cases below the baseline threshold so that Jefferson County can retain its First Variance.

On July 20, 2020, I issued JCPH 20-007 to further limit the spread of COVID-19 by creating requirements for large events. By requiring a pre-approved written plan for large events, JCPH can ensure that the event sponsor and venue take appropriate steps to protect those in Jefferson County from further spread of COVID-19 at large events. This action serves the dual purpose of allowing businesses to continue operations under the First Variance while minimizing the spread of COVID-19 by ensuring that events or venues with a large number of attendees have appropriate plans in place to reduce the risk of transmission of COVID-19 as necessary to protect vulnerable populations and to prevent the health care system from becoming overwhelmed.

Because the spread of COVID-19 is still a threat to Jefferson County, I hereby extend JCPH 20-007 for an additional thirty days, subject to additional extension, modification, or rescission.

## **INTENT**

The intent of this Order is to ensure that events or venues with more than one designated activity have sufficient operational plans to regulate social distancing and ensure appropriate cleaning and hygiene practices to minimize the spread of COVID-19 to greatest extent possible, while enabling the continuation of social and commercial life.

The Ninth Amended CDPHE PHO 20-28 allows for indoor venues to allow up to 100 people and outdoor venues to allow up to 175 people per designed activity with certain additional requirements. PHO 20-28 at ¶ I.H.4. Under these provisions, venues may create separate designated activities or areas, and thus exceed 100 people inside or 175 people outside at a single venue. PHO 20-28 contains multiple requirements for designated activities, including, but not limited to, a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits, and traffic flow management between the designated activities. Because of the high potential for

interaction of people between designated activities, and thereby increasing the potential spread of COVID-19, the intent of this Jefferson County Public Health Order 20-007 is to ensure that each event or venue with more than one designated activity has an appropriate plan to ensure that all of PHO 20-28's requirements are met. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

## ORDER

Hereby finding it is essential that the COVID-19 virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health, and because the risk of the rapid spread necessitates quick action to protect all members of the community, especially including our members most vulnerable to COVID-19 and also health care providers, this **LARGE EVENT ORDER** ("Order") requires all venues and events in Jefferson County that have more than one designated activity for purposes of ¶ I.H.4 of PHO 20-28 to submit to JCPH for pre-approval a written plan that documents how the event sponsor or venue will ensure compliance with the provisions of ¶ I.H.4 of PHO 20-28, as it may be amended from time to time, including but not limited to a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits, face covering requirements, and traffic flow management. These requirements supplement and are in addition to any social distancing orders and face covering requirements contained in any public health order or guidance issued by CDPHE.

Consistent with the Governor's Executive Order, CDC's guidance, and pursuant to the authority granted the Executive Director of Jefferson County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), the following is ordered:

1. All venues or events in Jefferson County that have more than one designated activity for purposes of ¶ I.H.4 of PHO 20-28 are required to submit to JCPH for pre-approval a written plan that documents how the event sponsor or venue will ensure compliance with the provisions of ¶ I.H.4 of PHO 20-28, including but not limited to a required minimum amount of 50 feet of spacing between designated activities, separate entrances and exits to each designated activity area, face covering requirements, a traffic flow management plan between each designated activity area and the overall event, and a plan for monitoring compliance with and enforcing this public health order during the event by the event sponsor.
2. Except as otherwise provided by JCPH, the plan must be submitted no later than fourteen (14) days before the event to allow JCPH sufficient time for review and comment on the plan and the event sponsor's time to provide revisions to the proposed plan. No person or business in Jefferson County may host an event in Jefferson County with more than one designated activity for purposes of ¶ I.H.4 of PHO 20-28 without pre-approval from JCPH. For any event that is currently scheduled less than fourteen days from today with more than one designated activity such that

the event or venue would exceed the maximum total capacity of 100 attendees inside or 175 attendees outside, the event sponsor must immediately contact JCPH at HealthEPRReports@jeffco.us to obtain pre-approval for the event or venue.

3. Under this Order, JCPH shall have sole discretion to approve or reject a specific plan.
4. Along with CDPHE, JCPH is tasked with protecting the health and welfare of citizens of Jefferson County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. JCPH will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means.
5. This Order has the effect of law. Pursuant to C.R.S. §§ 25-1-114.1 and 25-1-516, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and imprisonment in the county jail for up to one year. For violations of this Order, JCPH may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.
6. Any business open to the public that fails to obtain JCPH approval before hosting an event with more than one designated activity may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law.
7. Preemption and Conflicts. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and guidance documents issued by CDPHE. If there is conflict between this Order and any executive order, CDPHE public health order or local public health order, the most restrictive order applies.
8. This first extension of JCPH 20-007 is effective as of 12:01 a.m. on August 21, 2020, and will continue until midnight on September 20, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Executive Director of Jefferson County Public Health or the Jefferson County Board of Health.
9. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**Issued by:**



**Mark B. Johnson, MD, MPH**  
**Executive Director**  
**Jefferson County Public Health**

**August 21, 2020**  
**Date**

645 Parfet Street, Lakewood, Colorado 80215



July 24, 2020

**NOTICE OF JEFFERSON COUNTY PUBLIC HEALTH ORDER 20-008  
REQUIRING FACE COVERINGS IN PUBLIC WHERE  
SOCIAL DISTANCING CANNOT BE MAINTAINED**

The Jefferson County Public Health Department ("JCPH") is working to stop the spread of coronavirus 2019 ("COVID-19"). To support this effort, I find it necessary to implement emergency measures to require all individuals in Jefferson County, Colorado, to wear Face Coverings in public where social distancing cannot be maintained.

**FINDINGS AND NECESSITY OF ORDER**

COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States.

COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D2020-017, ordering all Coloradoans to Stay-at-Home due to the presence of COVID-19 in the state ("Stay-at-Home Order").

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 ("Safer-at-Home Order").

On June 1, 2020, the Governor of Colorado issued Executive Order D2020-091, Safer-at-Home and in the Vast, Great Outdoors ("Safer-at-Home and in the Vast, Great Outdoors Order"), which was extended by Executive Order D2020-123 until July 30, 2020.

Jefferson County's movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Jefferson County.

On April 17, 2020, the Governor of Colorado issued Executive Order D2020-039, requiring workers in critical businesses and critical government functions to wear a non-medical mask covering their nose and mouth while at work and while serving the public, and directing the Executive Director of CDPHE to issue a public health order consistent with the directives in the

Executive Order, which order was extended and amended by Executive Orders D2020-067, 2020-092, and Executive Order 2020-110, which extended the requirements for certain workers to wear non-medical face coverings through July 20, 2020.

On April 22, 2020, the Executive Director of the Colorado Department of Public Health and the Environment (“CDPHE”), pursuant to Colorado Revised Statutes §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued Public Health Order 20-26 requiring employees who work in close proximity to other employees or with the public to wear a non-medical or medical face covering unless doing so would inhibit the individual’s health, and recommending that these employees should wear gloves if gloves are provided by their employer, which was extended until June 14, 2020 and amended by Amended Public Health Order 20-26.

On June 18, 2020, the Executive Director of CDPHE issued Seventh Amended Public Health Order 20-28, Safer at Home and in the Vast, Great Outdoors which, among other things, establishes face covering requirements and removal allowances for providers and customers of designated services, in effect through July 1, 2020, which was further amended by the Eight Amended Public Health Order 20-28 until July 30, 2020.

On July 16, 2020, the Governor issued Executive Order D2020-138, requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth, subject to several exceptions, through August 15 unless extended further by Executive Order.

The United States Centers for Disease Control and Prevention (“CDC”), CDPHE, and JCPH have recommended that members of the public, when they need to interact with others outside the home and especially in settings where many people are present, should cover their mouths and noses to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic yet still be contagious. People can also be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others.

Scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are lifted, that the wearing of facial coverings by individuals while in public areas assists in maintaining reduced virus transmission by reducing the spread of respiratory droplets.

There is substantial evidence of the continued spread of COVID-19 throughout Jefferson County. As of July 23, 2020, there were 42,314 known presumptive positive cases of COVID-19 statewide in Colorado, and 3,462 known presumptive positive cases in Jefferson County, Colorado, as well as 1,645 deaths due to COVID-19 statewide and 220 deaths in Jefferson County. In addition, incident rates (cases/100,000) have been growing and over the last 14 days are higher in Jefferson County.

A face covering mandate can work in concert with reduced social distancing restrictions under Safer at Home and in the Vast, Great Outdoors to minimize the spread of COVID-19 by reducing

the exposure of individuals to the virus necessary to protect vulnerable populations and to prevent the health care system from becoming overwhelmed.

## INTENT

The intent of this **Face Covering Order** is to ensure that the maximum number of people wear face coverings in public where social distancing cannot be maintained to slow the spread of COVID-19 to the greatest extent possible, while enabling the continuation of essential services, businesses and travel necessary to protect public health and safety, and for the continuity of social and commercial life.

Except as provided below, when people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times wear a Face Covering (as defined below) when they are unable to maintain or are not maintaining social distance of at least six (6) feet from any non-household members. People should continue to comply with social distancing requirements as described in all applicable executive and public health orders. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

## ORDER

Pursuant to the authority granted the Executive Director of Jefferson County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), and consistent with the Governor's Executive Order, CDC's guidance, the following is ordered:

1. Each person within Jefferson County, except as specifically exempted below by Paragraph 5 or 6, must wear a **Face Covering** whenever they are outside their **Residence** and unable to maintain, or when not maintaining, social distance of at least six (6) feet from any non-household members in any setting whether indoors or outdoors. In addition, each person in Jefferson County must wear a Face Covering as required by Governor Polis' Executive Order D2020-138, that is, when entering or moving within any Public Indoor Space or while using or waiting to use the services of any taxi, bus, light rail, train, car service, ride-sharing or similar service, or Mass Transportation Operations. These requirements supplement and are in addition to all social distancing and other requirements contained in any state or local public health order. In the event Executive Order D2020-138 expires or is otherwise revoked or rescinded, this Face Covering Order shall remain in effect until revoked or rescinded by the Executive Director of JCPH.
  
2. **Face Covering** as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised by using ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape. Face Coverings

must cover the nose and mouth at all times and should remain in place until taken off safely. If a worker's Face Covering moves during work, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A Face Covering should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

3. **Residence** as used in this Order, means the real property upon which an individual resides alone or with other members of their household, including a room in a motel or hotel or a residential room for students at an education facility. Residence does not include any common areas that may be used by multiple households. Residence also includes a motor vehicle when being used for personal use by an individual or their same household.
4. **Public Indoor Space** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.
5. The following individuals are exempt from the requirements of this Order:
  - a. Individuals ten (10) years old and younger; or
  - b. Individuals who cannot medically tolerate a face covering.
6. To clarify the exemptions provided in EO D2020-138, as modified by this Face Covering Order, a face covering is not required under the following circumstances:
  - a. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
  - b. Individuals who are seated at a food service establishment;
  - c. Individuals who are exercising alone or with others from the individual's household and a Face Covering would interfere with the activity;
  - d. Individuals who enter a business or receive service and are asked to temporarily remove a face covering for identification purposes;

- e. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
  - f. Individuals who are officiating at a service for life rites (such as wedding ceremonies, graduation ceremonies, and funerals, as well as other religious rites), so long as the individual maintains at least twenty-five (25) feet distance from non-household members indoors and at least six (6) feet distance from non-household members outdoors; or
  - g. Individuals who are giving a speech for broadcast or an audience, so long as the individual maintains at least twenty-five (25) feet distance from non-household members indoors and at least six (6) feet distance from non-household members outdoors;
  - h. Individuals who are receiving a personal service where the temporary removal of a Face Covering is necessary to perform the service.
7. This Order does not require any child aged ten (10) years and younger to wear a Face Covering. Parents and caregivers must supervise the use of Face Coverings by children to avoid misuse. In addition, this Order advises that children **under age two years should not** wear a Face Covering due to the risk of suffocation.
  8. This Order is intended to provide additional public health protections by supplementing the requirements of other state face covering orders, including but not limited to Executive Order D2020-138, Executive Order D2020-39, Executive Order D2020-067, Executive Order D2020-092, and Executive Order D2020-110, as well as the face covering orders contained in all CDPHE orders, including but not limited to Public Health Order 20-28. At all times, the most protective, applicable protective order shall control.
    - a. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical face coverings.
    - b. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose face covering requirements beyond those contained in this Order.
    - c. Nothing in this Order should be construed to preempt any local public health orders.
    - d. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
  9. Except for the limited exemptions provided in paragraphs 5 and 6 above, no owner, operator, or manager of a **Public Indoor Space**, as the term is defined herein, may provide service to such individuals or allow an individual to enter or move within that Public Indoor Space, unless the individual is wearing a Face Covering as required by Executive Order 2020-138.
  10. To supplement the signage requirements of II.J. of EO 2020-138, all businesses in Jefferson County shall post on all entrances a sign which states that, pursuant to Executive Order 2020-138 and Jefferson County Public Health Order 20-008, no individual may enter the facility without wearing a Face Covering unless a specific exception applies. Jefferson County Public Health shall provide a PDF copy of the sign for businesses to print out and post on their entrances. The PDF is available in English here: <https://www.jeffco.us/DocumentCenter/View/22571/Business-Face-Covering-Poster-PDF>.

You can download the sign in Spanish here:  
<https://www.jeffco.us/DocumentCenter/View/22743/Business-Face-Covering-Poster--Spanish-PDF>.

11. If an individual qualifies for a medical exception, the business should offer reasonable accommodations (such as curb-side delivery) but the business is not required to allow the person to enter the facility without a Face Covering.
12. Any business that is in violation of this Face Covering Order or of the Governor's Executive Order 2020-138 may be subject to a civil action, including but not limited to injunctive relief pursuant to C.R.S. § 25-1-514 and reimbursement of expenses pursuant to C.R.S. § 25-1-516(3), and reporting to the appropriate licensing agency for suspension or revocation of its license pursuant to Paragraph II.K of the Governor's Executive Order 2020-138.

Along with CDPHE, JCPH is tasked with protecting the health and welfare of the citizens of Jefferson County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

If you have questions regarding this Order, please contact the JCPH at [HealthEPR@jeffco.us](mailto:HealthEPR@jeffco.us) or view the COVID-19 information on JCPH's website at [www.jeffco.us/coronavirus](http://www.jeffco.us/coronavirus).

This JCPH Public Health Order shall be in effect from July 25, 2020, at 12:01 a.m. and shall continue until further modified or repealed.

**FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.**

If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**Issued by:**

  
Mark B. Johnson, MD, MPH  
Executive Director  
Jefferson County Public Health

July 24, 2020  
**Date**



August 31, 2020

VIA E-mail

John C. Bandimere, Jr.  
Tami Bandimere  
3051 South Rooney Road  
Morrison, CO 80465

Dear John and Tami,

It has come to Jefferson County Public Health's ("JCPH") attention that Bandimere Speedway is planning to hold a "Stop the COVID Chaos" Rally at its facility on September 1, 2020, which will include racing on the track and a group photo on the track of all attendees. The press release issued on social media on August 30 does not indicate whether Bandimere intends to put a cap on the number of attendees, but instead invites "everyone" to join the rally. See Press Release re Stop the COVID Chaos Rally.

As you are aware, under JCPH Order 20-007, all events in excess of 175 attendees are required to submit a plan for pre-approval. As of August 30, JCPH has received no plan for this event from Bandimere Speedway or any of the co-hosts. While events are permitted to occur without a plan if there are 175 or fewer attendees, please keep in mind that all events must comply with the requirements of CDPHE Public Health Order 20-28 Section I.H.4, including mandatory social distancing and face covering requirements. I have attached the relevant public health orders for your review.

We have repeatedly worked with Bandimere to approve plans for many events since JCPH Order 20-007 was issued. Given the absence of an approved plan for this event, we are hopeful that, that Bandimere intends to cap the attendance at 175 attendees or less. I will remind you of Judge Russell's instruction that Bandimere must follow all public health orders, which includes JCPH 20-007, JCPH 20-008, and CDPHE PHO 20-28.

Thank you,

A handwritten signature in black ink that reads "James A. Rada".

James A. Rada

cc: Dr. Mark Johnson (via email)  
Kimberly S. Sorrells (via email)  
Randy Corporon (via email)

DISTRICT COURT, JEFFERSON COUNTY  
100 Jefferson County Parkway  
Golden, Colorado 80401

**Plaintiff: JEFFERSON COUNTY PUBLIC  
HEALTH**

v.

**Defendant: BANDIMERE AUTO-PERFORMANCE  
CENTER, INC. d/b/a BANDIMERE SPEEDWAY  
INC.**

*Attorneys for Plaintiff*  
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**▼ COURT USE ONLY ▲**

Case Number

Division

**DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OR  
COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT**

**1.** This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

**2.** Simplified Procedure under C.R.C.P. 16.1 **applies** to this case **unless** (check one box below if this party asserts that C.R.C.P. 16.1 **does not** apply):

This is a class action, forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding, **or**

This party is seeking a monetary judgment against another party for more than \$100,000.00, including any penalties or punitive damages, but excluding attorney fees, interest and costs, as supported by the following certification:

By my signature below and in compliance with C.R.C.P. 11, based upon information reasonable available to me at this time, I certify that the value of this party's claims against one of the other parties is reasonably believed to exceed \$100,000.

**Or**

- Another party has previously filed a cover sheet stating that C.R.C.P. 16.1 does not apply to this case.
3.  This party makes a **Jury Demand** at this time and pays the requisite fee. *See* C.R.C.P. 38. (Checking this box is optional.)

Dated: September 3, 2020

JEFFERSON COUNTY ATTORNEY'S OFFICE

By: /s/ Kimberly S. Sorrells  
Kimberly S. Sorrells  
Rebecca Klymkowsky  
Rachel Bender  
*Attorneys for Plaintiff*

**NOTICE**

This cover sheet must be served on all other parties along with the initial pleading of a compliant, counterclaim, cross-claim, or third party complaint.