

**In The
Supreme Court of the United States**

HIGH PLAINS HARVEST CHURCH AND MARK HOTALING,

Applicants,

– v. –

JARED POLIS, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF COLORADO; AND JILL HUNSAKER RYAN, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,

Respondents.

**To the Honorable Neil M. Gorsuch, Associate Justice of the United States
Supreme Court and Circuit Justice for the Tenth Circuit**

**Exhibit B: Redlined Version of Dir. Ryan, *Third Amended Public Health
Order 20-36 (Dec. 7, 2020)***

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~~SECOND~~THIRD AMENDED PUBLIC HEALTH ORDER 20-36

COVID-19 DIAL

~~Nov~~December 16, 2020

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 235** 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. This Order implements levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19 further in Colorado.

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; defining the terms of the Governor's **Stay at Home, Safer at Home, and Protect our Neighbors** requirements as well as **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 ~~Nov~~December 16, 2020, there have been ~~260,581~~167,713 known cases of COVID-19 in Colorado, ~~14,868~~11,203 Coloradans have been hospitalized and ~~2,724~~276 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 235** requires the harmonizing of the various levels of activities previously described in prior **Protect Our Neighbors, Safer at Home, and Stay at Home** executive orders into one more simplified dial format. Counties must implement the requirements of the relevant level of the **COVID-19 Dial** for their jurisdiction, as determined by the Colorado Department of Public Health and Environment (CDPHE), based upon scientific metrics established in the **Dial**. The **Dial** still strongly encourages that people at risk of severe illness from COVID-19 remain at home or in the great outdoors as much as possible, but allows levels of business and activities based upon disease prevalence and other metrics in each county. Additionally, individuals are encouraged to remain at least 6 feet away from non-household contacts to reduce the likelihood of disease transmission, and otherwise unregulated gatherings are also limited in each level of the **Dial**. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.

INTENT

This Order sets forth the requirements for implementation of the **COVID Dial**. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **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 20-32 and 20-35, as amended. ~~The **Dial** levels in PHO 20-36 remain in effect until 11:59 pm on Thursday, November 19, 2020, and the revised **Dial** levels in this First Amended PHO 20-36 take effect at 5:00 pm Friday, November 20, 2020.~~

I. **COVID Dial - Individual Requirements**

- 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 **Distancing Requirements**, defined in Section IV below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section IV 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 and extended. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164, D 2020 190, and D 2020 219, D 2020 237, and D 2020 245** 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.
- C.** **Individuals 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, and this becomes more critical as a county's level in the **Dial** becomes more restrictive. **Individuals 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**, identified in **Appendix A** of this Order.
- D.** 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.
- E.** 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 **Distancing Requirements** at all times.

- F. Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section IV 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 III of this Order. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

II. COVID-19 DIAL LEVELS.

A. APPLICATION OF THE DIAL.

1. The **COVID-19 Dial** consists of six levels that counties qualify for based on meeting specific metrics. Counties will remain in a **Dial** level so long as they continue to meet the metrics in that level. If the county falls out of compliance with one or more of the metrics associated with that level, they will have two weeks to develop and implement mitigation strategies to get back into compliance with the metric. If after two weeks one or more of the metrics remains out of compliance, the county must participate in a consultation with the Colorado Department of Public Health and Environment (CDPHE) to determine whether additional mitigation time and/or mitigation strategies are warranted, or if the county must move to a lower level. CDPHE reserves the right to move counties one or more levels more quickly as circumstances warrant.
2. Counties that meet all metrics for the next less restrictive level for a two week period may submit a request to CDPHE through their local public health agency to move to that level, which must include supporting documentation from local officials, including the local public health agency, local elected officials, and local hospitals. Counties wishing to move levels from **Blue (Safer at Home)** to **Green (Protect our Neighbor)** must complete an online certification form and process provided by CDPHE. Counties may individually, or in a grouping of counties together creating a region, certify that they meet the metrics for **Level Green**.
3. **Level Green: Protect Our Neighbors Certification**
 - a. Containment and mitigation plan. Counties or regions certifying for **Level Green** must submit with the certification form a mitigation and containment plan that addresses all of the following:
 - i. what the county or region will do if it falls out of compliance with any of the metrics, and
 - ii. how the county or region will
 1. promote public compliance with the guidelines,

2. quickly address outbreaks with tactics like issuing isolation, quarantine and closure orders, and issuing mask requirement orders
 3. increase mask-wearing in public settings, and
 4. increase flu vaccine uptake to help ensure that the health care system capacity needed for COVID-19 is not overrun.
- b. Support for containment and mitigation plan. Counties or regions certifying for **Level Green** must also submit with the certification form written support from the following local individuals or agencies that indicates their agreement with the plan and their commitment to use their resources and take the necessary and appropriate steps to educate the community regarding the requirements and enforce compliance:
- i. local elected leaders including county commissioners and mayors,
 - ii. the hospitals that serve the county,
 - iii. law enforcement,
 - iv. emergency management,
 - v. the local public health agency, and
 - vi. if applicable, tribes.
- c. CDPHE shall review county or region certification forms and the additional required information and, as appropriate, certify a county or region to move levels from **Blue** to **Green**. Counties or regions certified for **Level Green** must maintain compliance with all of the metrics listed in Section II.B.1 above. If a county or region falls out of compliance with one or more of the metrics, it must notify CDPHE and implement the appropriate mitigation strategies in its containment and mitigation plan to address the noncompliance. Counties and regions shall have a three week period of time to come back into compliance with the metrics, and if compliance is not obtained, the county or region shall then work with CDPHE on any additional steps necessary to come back into compliance. CDPHE will ultimately determine whether the county may remain in **Level Green** or must move to a different level. CDPHE reserves the right to move counties sooner in the **Dial** as CDPHE determines is necessary.

B. LEVEL GREEN: PROTECT OUR NEIGHBORS.

1. Counties or regions certifying for **Level Green** must meet all of the following requirements:
 - a. Hospital bed capacity: Hospitals in, or that serve, the county or region, as defined by the local public health agency (LPHA), have sufficient bed

capacity to manage a 20 percent surge in hospital admissions or patient transfers (hospital attestation of patient transfer agreements required. Please include attestations in the **Level Green** certification form).

- b. Sufficient personal protective equipment (PPE) supply: Local hospitals must have two weeks of PPE available based on current PPE use standards.
- c. Stable or declining COVID-19 hospitalizations:
 - i. Stable, meaning no greater than 25% increase, or declining counts of new confirmed COVID-19 hospitalizations in the county or region's referral hospitals, as defined by the LPHA, in the last 14 days compared to previous 14 day period, or
 - ii. no more than two new hospital admissions of county or region residents with confirmed COVID-19 on a single day in the last 14 days.
- d. Fewer new COVID-19 cases:
 - i. 25 or fewer new cases/100,000 people in the past two weeks (two-week cumulative incidence), **excluding** cases among residents of congregate facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or
 - ii. for a county or region with a population of less than 30,000, no more than 7 cases, excluding cases among residents of congregate facilities, such as senior care, other residential care, youth corrections, or corrections, experiencing outbreaks, in a two-week period, or
 - iii. two-week average molecular test positivity rate of less than 5% **and** county is meeting a minimum testing rate of 0.75 per 1,000 population **and** their two-week cumulative incidence is no greater than 50 cases per 100,000 people in the past two weeks.
- e. Sufficient testing capacity: county or region has the capacity to test (collect samples and testing partnerships) 15 people per 10,000 residents per day.
- f. Ability to implement case investigation and contact tracing protocol: the local public health agency is able to implement Colorado's case investigation and contact tracing protocol for at least 85 percent of assigned cases within 24 hours.
- g. Documented surge capacity plan for case investigation and contact tracing: the local public health agency has a documented surge-capacity plan that it can investigate and contact trace its share, based on population, of our state's overall 500 cases per day goal, meaning it is able to

investigate and contact trace up to 8.7 cases per 100,000 population per day.

2. Counties and regions certified for **Level Green** may allow any business or activity within their jurisdiction to operate at 50% of their pre-pandemic capacity not to exceed 500 people, whichever is less, in any one setting. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible. Certified counties and regions may impose restrictions within their jurisdictions that are lower than these maximum capacity limits, but may not exceed these limits.
 - a. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.
 - b. **Non-Critical Office-Based Businesses** may operate at 50% of their pre-pandemic capacity with no further person cap or limitation.
 - c. Any business or activity that was not authorized to operate in more restrictive levels is authorized to open in a county or region certified for Protect Our Neighbors, at the capacity limits described in this Section II.E, unless limited or prohibited by the certified county or region.
 - d. CDPHE reserves the right to require additional containment and mitigation strategies beyond those detailed by a county or region in their containment and mitigation plan. CDPHE further reserves the right to rescind the certification of a region or county for Protect Our Neighbors.
 - e. Counties approved for **Level Green** that wish to exercise the exemption from **Executive Order D 2020 138**, as amended and extended, requiring the wearing of face coverings in public indoor spaces must first consult with CDPHE.
 - f. Counties may increase their businesses and activities operational capacity by 5% each month that the county continues to meet the metrics in Section II.B.1 of this Order.

C. LEVEL BLUE: CAUTIOUS.

1. The metrics for **Level Blue** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 75 per 100,000 in a two week period;
 - b. The percent of positive test results over a rolling 14 day average is no greater than 5%; and
 - c. To move into this level from a more restrictive level, Hospitalization rates are stable or declining for at least 8 days in the preceding 14 day period.

2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Blue** are as follows:
 - a. **Public and private gatherings** are limited to no more than 25 individuals when not otherwise regulated as a specific sector or activity in Section III of this Order; except that effective October 23, 2020 gatherings in this level are reduced to no more than 10 individuals from no more than 2 households. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible.
 - b. **Non-Critical Office-based Businesses** may allow in-person work up to 50% of their posted occupancy limit.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit.
 - d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit up to 175 employees, whichever is less, per room.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements, including capacity limits.
 - f. **Personal Services** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
 - h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 175 people excluding staff, whichever is less, per room. **Restaurants** may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 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. Pursuant to **Executive Order D 2020 091**, as amended and extended, 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 and for takeout between 12:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
 - i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 25 people, whichever is less.
 - j. ~~Repealed. Houses of worship and Life Rites may operate at 50% of the posted occupancy limit indoors not to exceed 175 people, whichever is less, per room excluding staff. 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.~~

- k. **Indoor Events** may be conducted at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, per room excluding staff.
- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 250 people per designated activity or area.
- m. **Recreation**, including **Gyms, recreation centers and indoor pools** and outdoor recreation facilities, may open at 25% capacity, not to exceed 75 people, whichever is less, excluding staff per room indoors or per activity or area outdoors.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 25 people, whichever is less.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 25 participants indoors and 50 participants outdoors.
- q. **Casinos** may operate their slot machines using the same capacity requirements as Indoor Events, 50% of the posted occupancy limit not to exceed 175 people per room, whichever is less, excluding staff. Table games are not authorized to operate.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

D. LEVEL YELLOW: CONCERN.

- 1. The metrics for **Level Yellow** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 175 per 100,000 in a two week period;
 - b. The percent of positive test results over a rolling 14 day average is no greater than 10%; and
 - c. To move into this level from a more restrictive level, Hospitalization rates are stable or improving for at least 8 days in the preceding 14 day period.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Yellow** are as follows:

- a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are advised to remain at home as much as possible.
- b. **Non-Critical Office-based businesses** may operate the same as **Level Blue**, and remote working is strongly encouraged.
- c. **Critical and Non-critical Retail** may operate the same as **Level Blue**.
- d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room within their usable space.
- e. **Field Services** may operate the same as **Level Blue**.
- f. **Personal Services** may operate the same as **Level Blue**.
- g. **Limited Healthcare Settings** may operate the same as **Level Blue**.
- h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. Outdoor dining operates the same as **Level Blue**. Pursuant to **Executive Order D 2020 091**, 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 and for takeout between 11:00 P.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. ~~Repealed. Houses of worship and Life Rites may operate at 50% of the posted occupancy limit indoors not to exceed 50 people excluding staff, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. If the event is a seated event, as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Outdoor worship services operate the same as **Level Blue**.~~

- k. **Indoor Events** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room excluding staff within their usable space. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator..
- m. **Recreation, including Gyms, recreation centers and indoor pools** and outdoor recreation facilities and activities, may operate at 25% capacity, not to exceed 50 patrons, whichever is less, per room indoors or per activity or area outdoors.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 25 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 10 people, whichever is less.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants indoors and 25 participants outdoors.
- q. **Casinos** may operate their slot machines using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room excluding staff within their usable space. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator to](#) expand to no more than 100 patrons indoors per room, excluding staff, within their usable space. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Table games are not authorized.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

E. LEVEL ORANGE: HIGH RISK.

1. The metrics for **Level Orange** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 350 per 100,000 in a two week period;
 - b. The percent of positive results over a rolling 14 day average is no greater than 15%; and
 - c. To move into this level from a more restrictive level, Hospitalization rates are stable or declining for at least 8 days ~~increasing~~ in the preceding 14 day period.
2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Orange** are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** are strongly advised to remain at home as much as possible.
 - b. **Non-Critical Office-based businesses** may allow in-person work up to 25% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer increased options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - h. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining with a group limit of 10 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. Pursuant to **Executive Order D 2020 091** 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 and for takeout between 10:00 P.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.

- i. **Smoking Lounges** may operate at 25% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. ~~Repealed. Houses of worship and Life Rites may operate at 25% of the posted occupancy limit indoors not to exceed 50 people excluding staff, whichever is less, per room, calculated using the Distancing Space Calculator. For seated events as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Outdoor worship services shall operate at the same level as **Blue**.~~
- k. **Indoor Events** may operate at 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the Distancing Space Calculator per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the Distancing Space Calculator per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- m. **Recreation**
 1. **Gyms, recreation centers and indoor pools** may operate at 25% capacity, not to exceed 25 people, whichever is less, excluding staff per room indoors or per activity or area outdoors. Organized recreational youth or adult league sports must instead follow the requirements in Section II.E.2.n below.
 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.

- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted virtually or with no more than 10 participants outdoors only.
- q. **Casinos** may operate at the same capacity requirements as **Indoor Events**, 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Table games are not authorized.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

F. LEVEL RED: SEVERE RISK.

- 1. The metrics for **Level Red** are as follows:
 - a. New COVID-19 cases are at an incidence of greater than 350 per 100,000 in a two week period;
 - b. The percent of positive results over a rolling 14 day average is greater than 15%; and
 - c. [To move into this level from a more restrictive level, H](#)ospitalization rates are [stable or declining for at least 8 days](#) ~~increasing~~ in the preceding 14 day period.
- 2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Red** are as follows:
 - a. **Public and private gatherings** involving two or more people are prohibited, except for the limited purposes expressly authorized in this Order and for the purpose of accessing or engaging in **Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - b. **Non-critical Office-based businesses** may allow in-person work up to 10% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer enhanced options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.

- e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed. Individual real estate showings are authorized and open houses may operate with only one household in the property at a time.
- f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
- g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
- h. **Restaurants** are closed for in-person indoor dining but may offer curbside, takeout and delivery services. Restaurants may also use any existing, licensed outdoor space for in-person outdoor dining with tables limited to members of the same household 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. Pursuant to **Executive Order D 2020 091**, 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 8:00 P.M. and 7:00 A.M. MDT each day. Takeout may continue until 10:00 PM. Counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** are closed for indoor services, but can remain open outdoors with tables limited to members of the same household.
- j. ~~Repealed. Houses of worship and Life Rites may operate at 25% of the posted occupancy limit indoors not to exceed 50 people excluding staff, whichever is less, per room, calculated using the Distancing Space Calculator. For seated events as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Outdoor worship services shall operate at the same level as **Blue**.~~
- k. **Indoor Events** are closed; except that educational institutions like museums and aquariums may operate at 25% of the posted occupancy limit not to exceed 25 people using the Distancing Space Calculator per room.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the Distancing Space Calculator per designated activity or area. If the event is a seated event as described in **Appendix I**,

the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Two or more individuals attending an outdoor event together must be members of the same household and shall maintain 6 feet distancing from attendees who are not household members.

m. **Recreation**

1. **Gyms, recreation centers and indoor pools** may operate at 10% capacity, not to exceed 10 people, whichever is less, excluding staff per room indoors. **Gyms and recreation centers** may operate with 10 or fewer individuals outdoors. Reservations are required for all indoor and outdoor services. Organized recreational youth or adult league sports must instead follow the requirements in Section II.F.2.n below.
2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.

n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.

o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.

p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.

q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.

r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

G. **Level Purple: Extreme Risk**

1. The metrics for **Level Purple** are as follows:

- a. Hospital capacity risks being breached, which may be indicated by:
 - i. approaching the need for hospital crisis standards of care,
 - ii. utilizing alternate care sites,
 - iii. critical shortages of staff or personal protective equipment (PPE),
or
 - iv. hospitals approaching 90% of their reported surge capacity.

- b. Extreme risk to individuals in the county, region or state as determined by CDPHE.
2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Purple** are as follows:
 - a. **Public and private gatherings** involving two or more people of any number of people occurring outside a residence are prohibited, except for the limited purposes expressly authorized in this Order permitted in this PHO and for the purpose of accessing or engaging in which include **Essential Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - i. All travel, including, but not limited to, travel by automobile or public transit, except **Necessary Travel** is prohibited. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Critical Businesses** or maintain **Critical Governmental Functions**. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.
 - b. **Non-critical Office-based businesses** are closed for in-person work but may continue to perform remote work if possible and carry out **Minimum Basic Operations**.
 - c. **Non-critical Retail** is closed for in-person work or services but may operate and provide curbside, pick up or delivery services, may provide services online, and may continue to carry out **Minimum Basic Operations**. **Critical Retail** is strongly encouraged to take extraordinary measures to provide enhanced curbside, pick up or delivery services and minimize in-person services to the greatest extent possible.
 - d. **Non-critical Manufacturing** may operate at 10% of the posted occupancy limit not to exceed 25 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed, including real estate open houses.
 - f. **Personal Services** are closed for in-person work and services but may continue to carry out **Minimum Basic Operations**.
 - g. **Limited Healthcare Settings** that provide services ~~that are ordered by a medical, dental or veterinary practitioner in accordance with Public Health Order 20-29~~ may operate at 10% of the posted occupancy limit, not to exceed 25 people, per room to provide those services. ~~All other services offered by Limited Healthcare Settings are closed for in-person work but may continue to carry out Minimum Basic Operations.~~

- h. **Restaurants** are closed for in-person indoor and outdoor dining but may offer curbside, takeout and delivery services.
- i. **Smoking Lounges** are closed for in-person work but may continue to carry out **Minimum Basic Operations**.
- j. ~~Repealed. Houses of worship and Life Rites are encouraged to provide services through remote, online platforms or in outdoor settings, or may provide in-person services for groups of 10 or fewer per room, excluding staff.~~
- k. **Indoor Events** are closed.
- l. **Outdoor Events** are closed.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** are closed for indoor activities, except that fitness centers and nonessential personal services included in residential facilities, such as hotels, apartment or condominium complexes or similar housing arrangements, that are limited to use only by hotel guests or residents of the housing who are following social distancing requirements of at least 6 feet between individuals, and the hotel or property managers are performing frequent environmental cleaning may operate. **Gyms and recreation centers** may operate with 10 or fewer individuals outdoors.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may operate at 25% capacity of the outdoor activity setting, not to exceed 10 household members.
- p. **Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** are closed.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

III. BUSINESS AND ACTIVITY REQUIREMENTS

- A. In **Levels Blue, Yellow, and Orange**, any business or activity not addressed in this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section III.C of this Order. In **Levels Red and Purple**, any business not addressed in Sections II.F and II.G of this Order are closed.
1. The following establishments remain closed in **Levels Blue, Yellow, Orange and Red**:
 - a. **Bars** that do not serve food; and
 - b. Amusement parks, and the use of bounce houses and ball pits in any public or commercial venue.
 2. The following businesses or activities are subject to the requirements of other public health orders:
 - a. Nursing facilities, assisted living residences and intermediate care facilities are subject to PHO 20-20; and
 - B. Voluntary and elective surgeries and procedures are subject to PHO 20-29.
- B. All **Critical Businesses** and **Critical Government Functions**, as defined in **Appendix A** and Section IV.C of this Order, may continue to operate, and must comply with **Distancing Requirements**, 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** and **Critical Government Functions** should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions.
- C. **All Business and Government Functions. All Businesses and Government Functions** shall follow the protocols below:
1. **Face Coverings.** Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended, for all individuals in public indoor settings 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.
 2. **Work Accommodations.** Employers must provide reasonable work accommodations, such as telecommuting, for **Individuals At Risk of Severe Illness from COVID-19** who are still advised to stay in their residence. Employers are also strongly encouraged to provide reasonable work

accommodations for individuals who reside with or are caring for **Individuals at Risk of Severe Illness from COVID-19**, or facing child care needs while schools remain closed.

3. **Disease Prevention Measures for the Workplace.** 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 **Distancing Requirements** 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 mandate 6 feet **Distancing Requirements** of staff 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.

4. **Disease Prevention Measures for Employees.** 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 **Individuals at Risk of Severe Illness from COVID-19** who remain subject to **Stay at Home** advisement, prioritizing telecommuting, as **Individuals at Risk of 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.

5. **Disease Prevention Measures for Customers.** Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:
 - a. create whenever possible special hours for **Individuals at Risk of Severe Illness from COVID-19** only;
 - b. encourage 6 foot **Distancing Requirements** 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;
 - 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.

6. **Large Employers.** 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.C.3.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 **Distancing Requirements**.

- D. Non-Critical Office-Based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix B** of this Order.
- E. All Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix C** of this Order.
- F. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix D** of this Order.
- G. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix E** of this Order.
- H. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix F** of this Order.
- I. Limited Healthcare Settings** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix G** of this Order.
- J. Restaurants** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix H**. Additionally, for **Levels Blue, Yellow, Orange and Red**, only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and

follow the Restaurant requirements in **Appendix H** of this Order may operate. 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 **Distancing Requirements**.

1. 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 091**, as amended and extended:
 - 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 the close of on-premise or take-out services; 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.

K. Smoking Lounges may operate at the level described in Section II of this Order for which the county in which they operate is approved. For **Smoking Lounges** with outdoor spaces, the establishment must follow local zoning requirements for such spaces. **Smoking Lounges** may provide retail sales, pick up, and delivery of their products.

L. ~~Repealed. Houses of Worship and Life Rites~~ ~~may operate at the level described in Section II of this Order for which the county in which they operate is approved, and should follow the Colorado Department of Public 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.~~

- ~~1. 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 Distancing Requirements.~~
- ~~2. For Life Rites, only the ceremony or rite itself is included in this authorization; receptions or parties associated with all Life Rites are not included in this authorization.~~

- M. Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix I** of this Order.
- N. Recreation, including Gyms and Fitness** and outdoor recreation facilities and activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the specific requirements of **Appendix J** of this Order.
- O. Sports.**
- 1. Organized Recreational Youth or Adult League Sports** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix J**.
 - 2. 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 CDPHE and receive approval, and visiting teams will also follow those approved plans when playing in Colorado. 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 CDPHE. Any recreational sporting events must follow the recreation requirements contained in **Appendix J** and any guidance found [here](#).
 - 3. High School Sports** that do not follow the personal recreation guidance in **Appendix J**, and are operating under the auspices of the Colorado High School Athletic Association (CHSAA), may resume practices and games after CHSAA submits plans to CDPHE that detail their disease prevention and mitigation strategies and receives approval.
- P. Outdoor Guided Activities** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix K** of this Order.
- Q. Children’s Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix L** of this Order. License-exempt

child care programs, such as single skill-building and 72-hour camps, are considered critical child care services and must follow the child care guidance, including the [case and outbreak guidance](#) for schools and child cares. Single skill-building team or group sports camps are not considered critical child care services and must follow the requirements in Section II and **Appendix L** of this Order.

R. Postsecondary Institutions. Programs and courses at public and private postsecondary institutions may resume in-person classes at the same capacity restrictions for **Indoor Events** at the level described in Section II of this Order for which the county in which they operate is approved.

1. Each institution should consult with the local public health agency for the county in which the institution resides concerning implementation of disease prevention measures in accordance with the [CDPHE Guidance for Higher Education](#), including following all **Distancing Requirements**, determining whether course content should be delivered remotely or in person based upon the prevalence of disease at the school and in the county, and managing any cases and outbreaks, including helping implement quarantine and isolation as needed [in accordance with CDPHE guidelines](#), to minimize any further spread of disease.
2. Institutions that conduct COVID-19 sample collection for testing in a lab that they own, operate or manage must report all test results, whether positive or negative, to CDPHE. Institutions that contract out laboratory testing services for COVID-19 samples must include in their contracts with the laboratory service provider the requirement to submit all COVID-19 testing results to CDPHE.
3. Institutions shall work in close collaboration and coordination with local health officials and health care partners to develop protocols for confirmed cases and outbreaks of COVID-19 at the institution and in the community. Such protocols shall include communication with public health, case notification, environmental cleaning, contact tracing, and arranging for quarantine of contacts and isolation of cases [in accordance with CDPHE guidelines](#).
4. All possible outbreaks of COVID-19 must be reported to public health within 24 hours of detection in a manner specified by CDPHE. If an institution is unsure if the cases had contact with one another, report to public health for investigation.
 - a. An outbreak in a postsecondary institution is defined as two or more laboratory-confirmed COVID-19 cases among students or staff, from separate households, in contact with one another with either onset of

symptoms of disease or a positive test date if asymptomatic, within a 14-day period.

5. Institutions shall respond to CDPHE surveys collecting information concerning COVID-19 investigation and response activities, such as the use of quarantine and isolation, in a manner specified by CDPHE.
6. Residential postsecondary institutions shall have policies in place that require all of the following:
 - a. All students of residential postsecondary institutions shall monitor their health daily for the following COVID-19 symptoms: subjective fever/chills; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - b. Any student of a residential postsecondary institution who develops COVID-19 symptoms during the term of this Order shall:
 - i. If living in on campus housing, notify their postsecondary institution immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;
 - ii. If living in off campus congregate student housing, defined as 10 or more students living in the same residence, notify their local public health agency immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;
 - iii. Stay separated away from others (i.e. isolate) until all of the following criteria are met:
 1. No fever (of at least 100.4 degrees), without medication, for at least twenty-four (24) hours; and
 2. All other COVID-19 symptoms have improved; and
 3. At least ten (10) days have passed since symptoms first appeared, or longer if so directed by public health;
 - iv. Stay separated from all other people as much as possible. Use a separate bathroom, if available; if unavailable, disinfect all touched surfaces before leaving the bathroom;
 - v. Contact any health care provider prior to visiting its office so that arrangements can be made to prevent exposing other persons at the office;
 - vi. In the event of a medical emergency and need to call 911, notify dispatch personnel that they may have COVID-19 and put on a **Face Covering** before the emergency medical personnel arrives; and

- vii. Cooperate with public health and school representatives regarding case investigation and contact tracing.
7. Students of postsecondary institutions are subject to COVID-19 screening, quarantine, and isolation requirements as follows:
- a. Screening requirements.
 - i. Screening for COVID-19 symptoms includes all of the following: fever of 100.4F or higher; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - ii. Institutions shall implement screening protocols for students in campus housing and for access to other campus buildings, such as class buildings, recreational facilities, and dining halls. Restrict building access by non-residents, including outside guests, non-residential staff, and others. These restrictions may not apply when the law otherwise requires, such as allowing personal care attendants for students with disabilities.
 - iii. Students living in off campus congregate student housing, defined as 10 or more students living in the same residence, shall implement screening protocols for all residents that share off campus congregate student housing as well as any guests to the residence and maintain records of the screening results. Each off campus congregate student residence shall designate a contact person to work with public health and school representatives regarding implementation of public health requirements.
 - b. Isolation requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, isolation protocols as needed for students who are symptomatic or test positive for COVID-19.
 - i. Isolate any symptomatic or COVID-19 positive cases away from others in the residence and limit the sharing of services, such as restrooms or kitchen facilities, with other residents to the greatest extent possible,
 - ii. notify public health immediately, no later than 24 hours from detection, and

- iii. isolated individuals must remain in isolation without leaving the residence other than for medical care until released by public health;
 - c. **Quarantine requirements.** Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, quarantine protocols [in accordance with CDPHE guidelines](#) as needed for students who are close contacts of a symptomatic individual or an individual who tests positive for COVID-19.
 - i. **Quarantine** for 14 days from the last date of exposure any close contacts, defined as individuals who were within 6 feet of an ill or symptomatic individual for 15 minutes or longer or other high risk contact defined by public health; and
 - iii. quarantined individuals may only leave the residence for medical care;
 - d. Clean and disinfect the residence in accordance with CDC's shared or congregate housing guidance, found [here](#);
 - e. Provide public health as soon as possible the information necessary for case investigation and contact tracing; and
 - f. Implement testing for COVID-19 for all congregate student housing residents in accordance with the recommendations of public health.
8. Institutions of higher education should utilize their student disciplinary process regarding students who are not complying with state and local public health orders.
- S. Ski Resorts.** Prior to opening a ski resort, the resort must do all of the following:
- 1. Work with the local community to create an opening plan. The plan must:
 - a. Comply with any guidance issued by CDPHE for ski resorts,
 - b. Phase in operations in a way to ensure the ski resort can be fully compliant with all guidelines,
 - c. Factor in the overall capacity that a community can safely host and follow all **Distancing Requirements**, and
 - d. Describe how the ski resort will assist the community in dealing with the increased volume of tourists during winter;
 - 2. Receive local government approval of the opening plan, either the county or municipality as appropriate;
 - 3. Submit the opening plan to the local public health agency for their review to ensure alignment with state and local guidance; and

4. If approved by the local public health agency, the agency will submit the opening plan to CDPHE for final review and approval.

IV. DEFINITIONS

- A. **Bar** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- B. **COVID-19 Dial or Dial** means the six levels, designated as **Green, Blue, Yellow, Orange, Red** and **Purple**, defined by CDPHE in which a county may allow businesses to operate and activities to occur based upon standard metrics regarding disease incidence, percent positivity, and hospitalization rates, with additional metrics required to be met for **Level Green**.
- 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 A**, 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 **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 A** of this Order.
- D. **Critical Government Functions.** The provision, operation and support of the following state and local government functions shall continue:
 1. Public health and safety (public health agencies, police stations, fire and rescue stations, sheriff authorized search and rescue, 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**, in compliance with the transportation guidance found [here](#).
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 **Individuals 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 **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 and activities within voter services and polling centers, county clerk offices, and other locations where election operations occur, including but not limited to the functions performed by election judges, signature gatherers/circulators, authorized watchers, and voters.

E. 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.

- F. 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.
- G. 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.
- H. 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 (weakened immune system) from solid organ transplant;
 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;
 10. Individuals who are pregnant;
 11. Individuals who smoke; and
 12. Other individuals determined to be high risk by a licensed healthcare provider.
- I. Indoor Events** means indoor activities like receptions, events, concerts, indoor markets, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- J. 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. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-36.
- K. 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 **Distancing Requirements**.

- L. 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 **Distancing Requirements** below. **Individuals 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 performing 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 as outlined in section III.S. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Distancing Requirements** defined in this Section IV.
 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.

- M. 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.
- N. 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 A**.
- O. Non-Critical Retail** means any retail service that is not included in the list of critical retail services in **Appendix C**. 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.
- P. Outdoor Events** means outdoor activities such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, or other outdoor venues not covered in any other sector in this Order. This does not include activities covered under delineated sectors in this Order such as **Restaurants**; ~~Houses of Worship~~; or **Outdoor Guided Tours**.
- Q. 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**, as amended and extended.

- R. Recreation** means **Gyms** as defined in Section IV.F and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- S. Restaurant** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.
- T. Safer at Home** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.
- U. Smoking Lounge** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.
- V. 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**.

V. VARIANCE REQUESTS.

Any Colorado county that is in **Level Blue** or **Yellow** may request a site specific variance from CDPHE authorizing implementation of different restrictions for the requested site than what is required in this Order. The variance request must include the site requirements 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 requirements concerning variance requests are contained in **Appendix M**.

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, November 20, 2020 and will expire in 30 days unless extended, rescinded, superseded, or amended in writing.

Jill Hunsaker Ryan, MPH
Executive Director

Date

Appendix A. Critical Businesses List

Appendix B. Non-Critical Office-Based Businesses

Appendix C: Critical and Non-Critical Retail Requirements

Appendix D: Non-Critical Manufacturing

Appendix E: Field Services

Appendix F: Personal Services

Appendix G: Limited Healthcare Settings

Appendix H: Restaurants

Appendix I: Indoor and Outdoor Events

Appendix J: Recreation

Appendix K: Outdoor Guided Services

Appendix L: Children’s Day Camps, Residential Camps, Youth Sports Day Camps And Exempt Single Skill-Building Youth Camps

Appendix M: County Site Specific Variance Requests

APPENDIX A: 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, should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions, in which case they may exceed the sector restrictions to the minimum extent necessary to carry out critical functions. **Critical Retail** may not exceed 50% of the posted occupancy limit under all **Dial** levels. **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 **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so.

“**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 for curbside, takeout and delivery, in compliance with the requirements of **Appendix H** of this Order
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant)
- Liquor stores for curbside, takeout and delivery
- 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, following [case and outbreak guidance](#) for child care and schools
- 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, ~~and may operate as authorized for Life Rites in Section III.L of this Order~~
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided Distancing is observed to the greatest extent possible.
- Houses of Worship ~~and associated ceremonies such as weddings, funerals and baptisms (religious or secular) as authorized in Sections II and III of this Order~~
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, animal grooming, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants
- Libraries

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, following [case and outbreak guidance](#) for child care and schools
- Government owned or leased buildings
- **Critical Government Functions**

13. Educational Institutions, for Purposes of providing Critical Services to Students and the General Public:

- Pre-kindergarten through 12th grade public and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and in consultation with the local public health agency providing in person learning as necessary, or other essential services to students as determined by the school or school district in consultation with the local public health agency. Such institutions are required to work with state and local public health officials and follow [case and outbreak guidance](#) for schools when cases of COVID-19 are suspected or confirmed in students or staff to determine transmission mitigation strategies, isolation, quarantine and shifting to remote learning.
- Postsecondary institutions, including private and public occupational schools, colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education only in limited circumstances when remote learning is not possible or appropriate , or performing essential functions, such as security, medical and mental health services, housing, food services, and critical research, provided that **Distancing Requirements** are observed.

APPENDIX B: NON-CRITICAL OFFICE-BASED BUSINESSES

- I. Non-Critical Office-based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as the requirements contained in this **Appendix**.
- 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. maximize use of telecommuting and develop 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, 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;
 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, 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;

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 C. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

- I. Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved. **Non-Critical Retailers** are encouraged to continue drive-through, curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section III.C of this Order, in addition to the specific requirements in this **Appendix C**. Indoor malls are addressed separately in Section III of this **Appendix C**.
- 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 for both back-room and retail spaces.
 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.
 4. Maintain 6 foot distancing between patrons and employees;
 5. Effectively monitor employees' symptoms as listed in Section III.C;
 6. Require and provide face coverings for all employees, and gloves as necessary and appropriate;
 7. Provide dedicated, in-store hours for **Individuals at Risk for Severe Illness from COVID-19**.
- 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, 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.
 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;
 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;
 3. Limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
 4. Provide decals and demarcation for waiting area in lines that meet **Distancing** criteria;
 5. Create signage encouraging **Individuals At Risk of Severe Illness from COVID-19** to refrain from shopping outside of dedicated hours set aside for them;
 6. Create signage to remind of the requirement for all individuals in public indoor spaces to wear a face covering, 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, and to encourage the use of gloves by customers while on the premises; and
 7. 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 shall follow the **Indoor or Outdoor Event** requirements in **Appendix I**. Both individual vendors operating within the mall and the common space in indoor malls shall follow **Retail** requirements.

APPENDIX D: NON-CRITICAL MANUFACTURING

- I. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- 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:
 - a. Limiting group interactions to keep any group less than ten (10) people by
 - i. staggering of shift changes, breaks, lunches, etc., and
 - ii. eliminating all-staff in-person meetings or lunches;
 - b. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
 - c. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
 - d. 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
 - e. 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:
 - a. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
 - b. 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 carpooling, 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, 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, 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 E: FIELD SERVICES

- I. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- 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 **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 III.M. and **Appendix I** 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, 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.

APPENDIX F: PERSONAL SERVICES

I. Personal Services may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- 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. Implement the capacity restrictions in Section II of this Order on a per room basis. 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;
 - b. change gloves and wash hands between every individual or pet served;
 - c. clean and disinfect all shared equipment and tools between every individual or pet served; and
 - d. 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.
 - e. 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;
 - 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 follow **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 G: LIMITED HEALTHCARE SETTINGS

I. Limited Healthcare Settings may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

Limited Healthcare Settings may conduct 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.¹
 2. The practice must implement strict infection control policies as recommended by the CDC.²
 3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, 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;
 - b. change gloves and wash hands between every patient;
 - c. clean and disinfect all shared equipment and tools between every patient; and

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

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

- 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. 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;
 - 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, unless the individual 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. 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 **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 if performing voluntary and elective surgeries and procedures, **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 urgency³;
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 **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

³ Urgent and emergent care should continue in accordance with OHA and CMS guidance.

APPENDIX H: RESTAURANTS

- I. 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, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix. Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery. [Bars that do not offer food may only provide alcohol service through takeout, curbside pick up and delivery.](#)
- 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 10 people or less, and in **Level Red** tables are restricted to household members only.
 - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual 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.
 - 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.
 - g. Ensure proper ventilation per [OSHA guidance](#).
 2. **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;
 - 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; and
 - 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.
3. **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 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, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and Distancing requirements.

APPENDIX I: INDOOR AND OUTDOOR EVENTS

I. Indoor and Outdoor Events may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

A. 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.

1. For seated **Indoor and Outdoor Events**, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculation of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the **Distancing Space Calculator in Levels Blue, Yellow and Orange**.
2. If an **Indoor or Outdoor Event** has several different facets, some of which are seated with minimal movement, others of which include movement such as walking around fairgrounds or through exhibits in a museum, only the space for the seated events with minimal movement may be calculated using 6 feet distancing without the use of the **Distancing Space Calculator**.

B. 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

C. 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.

D. Operators, employees and attendees must wear face coverings unless the individual is age 10 or under, 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. Individuals in public indoor settings, including performers, must follow the face covering requirements in **Executive Order D 2020 138**, as amended and extended.

E. Operators, organizers or employers must implement employee screening protocols for all employees as described in Section III.C.3.g of this Order, and exclude ill or symptomatic individuals.

F. 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.

G. Food sold in these settings must follow the **Restaurant** requirements in Section III.J and **Appendix H** of this Order.

H. Ventilation in an indoor venue must meet OSHA guidance.

I. Indoor market operators must follow the **Indoor Events** requirements in Section III.M and **Appendix I** of this Order, outdoor market operators must follow the **Outdoor Events** requirements in Section III.M and **Appendix I** of this Order. Individual vendors in these settings must follow the **Retail** requirements in Section III.E and **Appendix C** of this Order.

J. Drive-in events such as theaters or fireworks displays are authorized to operate, observing the personal gathering restrictions for their level of the **Dial**, 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.

APPENDIX J: RECREATION

- I. Individuals may participate in personal recreation and operators may operate **Gyms**, outdoor recreational facilities and activities and **Organized Recreational Youth or Adult League Sports** at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. 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.
- A. **Campgrounds.** Campgrounds may be 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.
- B. Outdoor recreation activities are permitted as follows:
1. Playgrounds and outdoor recreation facilities, such as tennis and pickleball courts, should clean and disinfect high touch areas frequently.
 2. Outdoor swimming pools capacities do not change in **Levels Blue, Yellow and Orange**; instead, they may operate at 50% capacity not to exceed 50 people in all three levels. In **Levels Red and Purple**, outdoor swimming pools may operate at 25% capacity not to exceed 10 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- C. **Organized Recreational Youth or Adult League Sports**
1. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are authorized and must follow the **Indoor and Outdoor Events** requirements. Adjacent fields of play should be distanced to allow for at least 50 feet of distancing between two fields of play and their respective spectator sections.
 2. All individuals in public indoor spaces must wear a face covering 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.

3. The sports leagues and teams must establish protocols for:
 - a. Screening both athletes and spectators for symptoms and COVID-19 exposures to ensure they are symptom-free before they are deemed able to attend or play;
 - b. Isolation and quarantine for ill or exposed individuals; and
 - c. Requiring athletes with confirmed or presumed COVID-19 infection to obtain clearance from their health care provider for return to sports participation
4. The sports league must retain records of who played in case later disease outbreak investigations become necessary.
5. The sports league must notify and cooperate with the local public health agency regarding any cases of COVID-19.

D. Gyms

1. Gyms must maintain 6 feet distancing between patrons, discourage the sharing of equipment, and clean and disinfected equipment between uses.
2. All individuals must wear face coverings in **Gyms**, 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.

E. Competitive Events. 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.

APPENDIX K: OUTDOOR GUIDED SERVICES

- I. **Outdoor Guided Services**, may, if authorized by the local jurisdiction, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Additionally, specific **Outdoor Guided Services** may operate in accordance with the following capacity requirements established per service type:
 - A. Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix C** of this Order;
 - B. Developed hot springs may operate in accordance with the outdoor pools requirements in **Appendix J** of this Order;
 - C. The following **Outdoor Guided Services** must have their plans approved by the local public health agency in their jurisdiction:
 1. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc) in accordance with Section III.S of this Order;
 2. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts; and
 3. Scenic trains must have every local public health agency in each jurisdiction through which the train operates has approved the train's plans.
- II. **Outdoor Guided Services** operators 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. 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. 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.

- d. Effective November 9, 2020, follow the transportation guidelines found [here](#).
4. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.
5. 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, 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, in which case reasonable accommodations should be pursued to 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.

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

- I. Summer camps, sports camps, and residential camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of 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. 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.
 - b. 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.
 - 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, 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.

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 M: COUNTY SITE SPECIFIC VARIANCE REQUESTS

I. BACKGROUND

The restrictions contained in this Order may be subject to revision through a county variance process established by CDPHE. Any county meeting the **Level Blue** or **Yellow** metrics as described in Section II of this Order that desires to apply for a site specific variance from part of the public health order may do so if they meet certain criteria established below. These variances allow very large indoor and outdoor venues that meet the criteria to operate in an alternate fashion after receiving approval from the county's local public health agency and other local officials, and then final approval from the CDPHE. The application must be submitted by the local public health agency directly to CDPHE.

II. VARIANCE APPLICATION REQUIREMENTS

A. Application Requirements

1. **Eligibility**
 - a. Counties that are in **Level Blue** on the **Dial** may apply for **outdoor** and **indoor** site-specific variances.
 - b. Counties that are in **Level Yellow** on the **Dial** may only apply for **outdoor** site-specific variances.
 - c. Only venues that exceed 30,000 square feet will be considered for a variance.
 - d. If a venue has multiple uses or sectors included in it, the variance request must specify how the venue proposes to meet the requirements for each use or sector.
2. **Application Submission.** Prior to submitting a variance application to CDPHE, counties that receive a request for a site specific variance must review and determine whether to support the request. If the county supports the site specific variance, the local public health agency may submit a variance application to CDPHE. The application form must include all of the following:
 - a. Identify the site and capacity limit(s) the county is requesting a variance from.
 - b. Describe the disease prevention measures the county will require of the site to meet the state's orders.
 - c. Use the [Distancing Space Calculator](#) to determine capacity.
 - d. Use the [outdoor](#) and [indoor](#) event guidance to create designated spaces within the site.
 - e. Documentation of approval of the variance request must be included in the variance application from all of the following:

- i. The local public health agency;
- ii. Local hospitals verify that they have the capacity to serve all people needing their care;
- iii. 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
- iv. 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.

B. Application Review. Site specific variance requests will be evaluated based on a number of factors, including:

1. County is in **Level Blue** or **Yellow** of the **COVID-19 Dial**;
2. Square footage of venue;
3. Map of venue with occupied floor space;
4. Capacity request, including both the percent and total number of people;
5. Ventilation plan if an indoor site;
6. Sanitation plan, including handwashing stations, hand sanitizer and restrooms;
7. Mask wearing for all staff and participants;
8. Health exclusion considerations for staff and participants;
9. Distancing requirements;
10. Designated areas for participants and activities;
11. Signage for participants and traffic flow requirements;
12. Risk assessment analysis; and
13. Parking and transportation plan.

III. LIMITATIONS ON VARIANCES

A. A county in **Level Blue** or **Yellow** may apply to CDPHE for up to 10 variances per 100,000 people for indoor and outdoor venues that exceed 30,000 square feet.

B. CDPHE will not grant a variance request for any of the following:

1. A higher capacity than 50%;
2. Removal from the requirements of the state's orders generally;
3. Reduction or elimination of protections for **Individuals at Risk of Severe Illness from COVID-19**, as defined in state's orders;
4. Modifications of the requirements of **Public Health Order 20-29: Voluntary and Elective Surgeries and Procedures**;

5. Modifications to the requirements for nursing facilities, assisted living residences or intermediate care facilities in **PHO 20-20**; or
6. Modification of the mask or face covering requirements.

IV. SUSPENSION, RESCISSION OR TERMINATION OF VARIANCES

- A.** If a site that has an approved variance experiences two COVID-19 cases linked to the site, the county must work with the site to implement mitigation strategies to reduce or eliminate further spread of disease. CDPHE may suspend the variance at any time, as deemed necessary, to mitigate disease spread. For counties moving to **Level Red**, any site specific variances will be reviewed to determine if the variance should be suspended. Site specific variances in counties moving to **Level Purple** are automatically suspended when the move to **Level Purple** is effective, unless otherwise authorized to remain in place by CDPHE.
- B.** Approved site specific variances may also be suspended by the local public health agency. Local public health agencies may also choose to maintain approved site specific variances 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 CDPHE.
- C.** Suspension or rescission of a site specific variance will reinstitute the requirements of this Order at the level for which the county is approved at the time of suspension or rescission for that site.
- D.** All variances granted pursuant to this Order remain in effect until the sooner of:
 1. The county moves to a level where the variance is no longer authorized, or to a level where the variance is no longer necessary;
 2. The variance is rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county; or
 3. This Order expires without further extension or is terminated.
- E.** Counties that are unwilling or unable to implement mitigation strategies or take enforcement actions as warranted are subject to suspension or rescission of variances. Counties that choose to not comply with executive orders, public health orders, or an approved variance will be subject to the loss of emergency preparedness or other funds.