



COLORADO

**Department of Public
Health & Environment**

DATE OF ORDER: MARCH 22, 2020

PUBLIC HEALTH ORDER 20-24 IMPLEMENTING FIFTY PERCENT REDUCTION IN NONESSENTIAL BUSINESS IN-PERSON WORK AND EXTREME SOCIAL DISTANCING

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in Executive Order D 2020 013 (**Ordering Colorado Employers To Reduce In-Person Workforce by Fifty Percent Due to the Presence of COVID-19 in the State**) in response to the existence of hundreds of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. Further, there is substantial evidence of community spread of COVID-19 throughout the State.

FINDINGS

1. Due to the increasing incidence of COVID-19 in the general public, the designation of pandemic by the World Health Organization, the Declaration of a Disaster Emergency by Governor Polis on March 10, 2020, and a National Emergency by the President of the United States on March 13, 2020, and previous PHOs issued by this Department, including PHO 20-20 (Restricting Visitors all all Colorado Skilled Nursing Facilities, Assisted Living Residences and Intermediate Care Facilities); PHO 20-22 (Closing Bars, Restaurants, Theaters, Gymnasiums, Casinos, Noncritical Personal Services Facilities, and Horse Track and Off-Track Betting Facilities Statewide); and PHO 20-23 (Implementing Social Distancing Measures); I hereby declare that the actions and prohibitions outlined in this PHO are necessary for the health and safety of the residents of Colorado.
2. Scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the population of Colorado is at risk for serious health complications, including death, from COVID-19 make it imperative that the measures included in this PHO be taken immediately.
3. There is clear evidence that some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings promote transmission of COVID-19.

4. The scientific evidence also shows that at this stage of the emergency, it is critical to slow transmission as much as possible to protect the most vulnerable and to prevent Colorado's health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable and increase the distance between people in the work environment. This PHO helps preserve the welfare of our residents by reducing the spread of the disease at workplaces and preserving critical emergency and healthcare capacity in the State.

INTENT

5. The intent of this PHO is to reduce the number of people congregating in workplaces at one time and reduce the proximity of people in the workplace, and to enable the services, businesses, and travel necessary to protect public health and safety and preserve the continuity of social and commercial life as we save lives.

6. When people leave their places of residence, whether to obtain or perform critical emergency services, recreate, go to work, or for other valid reasons, they should at all times comply, to the greatest extent possible, with Social Distancing Requirements as defined in Section I below. All provisions of this PHO should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this PHO constitutes an imminent threat to public health.

ORDER

I. BUSINESS REQUIREMENTS

A. All Colorado employers, including but not limited to those operating out of a fixed location in the State, except Critical Businesses as defined herein, are ordered to reduce in-person work that takes place outside a private residence, except employers exempted under Executive Order D 2020 013 or under this PHO, by at least fifty (50) percent.

B. All Colorado employers are ordered to implement tele-work or other work from home capabilities to the greatest extent possible. Businesses may continue operations so long as at least half their employees and contractors perform work activities at their own residences (i.e., work from home). If tele-work or work from home is not practical or possible, employers are encouraged to stagger work schedules and take other measures to reduce the proximity of workers to each other during work hours.

C. Critical Businesses and Critical Government Functions, as defined below, are exempted from this PHO. All Critical Businesses are encouraged to remain open. To



the greatest extent possible, Critical Businesses shall comply with Social Distancing Requirements including, but not limited to, when any customers are standing in line.

D. Any employer that can certify that employees are no closer than six feet from one another during any part of their work hours is exempted from this PHO.

E. To successfully contain the spread of the virus, all individuals must observe Social Distancing Requirements, as defined below, at all times and to the greatest extent possible.

F. All medical, dental and veterinary care provided pursuant to this PHO must comply with the directives set forth in Executive Order D 2020 009.

II. DEFINITIONS

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

“Critical Business” means:

1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities



- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers

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 authorized businesses
- Hotels, and 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

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 the Critical Infrastructure outlined in the previous section

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants and bars (for take-out/delivery only as authorized under Executive Order D 2020 011 and PHO 20-22, as amended)
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant to Executive Order D 2020 011)
- 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)

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 the requirements outlined in Exemptions below)
- Auto supply and repair (including retail dealerships that include repair and maintenance, but not retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided social distancing is observed to the greatest extent possible
- Storage for Critical Businesses
- Animal shelters, animal rescues, zoological facilities, animal sanctuaries, and other related facilities



6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial Institutions, Including:

- Banks and credit institutions
- Insurance, payroll, and accounting services
- Services related to financial markets

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:

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

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
- Automotive repair
- Disinfection
- Snow removal

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

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

B. “**Critical Government Functions**” means providing, operating, and supporting:

1. Critical services, including

- Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
- Emergency response
- Judicial branch operations, including attorneys if necessary for ongoing trials and required court appearances, unless appearances can be done remotely
- 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)
- Designated emergency shelters

- 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)
- Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines)
- Transportation lifelines (public transportation, transportation infrastructure), airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
- Hazardous material safety
- Services to at-risk populations and Vulnerable Individuals
- Any government service required for the public health and safety, government functionality, or vital to restoring normal services

C. “**Social Distancing Requirements**” means maintaining at least a six-foot distance from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

D. “**Vulnerable Individual**” means anyone with a disability, anyone over the age of 60 and anyone with a serious underlying health condition.

III Extreme Social Distancing

- A. For purposes of this PHO, all individuals are encouraged to severely limit non-essential activities. Employers must reduce in-person work that takes place outside a private residence, except as permitted under this PHO, by at least fifty (50) percent. Achieving at least 50% reduction can be done through multiple strategies such as enabling telecommuting, rotating shifts, and staggering work schedules. Employers are strongly encouraged to maintain their workforce at current employment levels during this temporary public health emergency.
- B. All individuals are encouraged to practice social distancing outside of their employment and to only engage in activities or perform tasks critical 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 food, medical supplies, durable medical equipment, medication, visiting a healthcare professional, or obtaining supplies they need to work from home.

- C. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the greatest extent possible except as necessary to seek medical care.
- D. Individuals experiencing symptoms of COVID-19 must self-isolate until their symptoms cease or until they have a negative test result.

IV. Enforcement

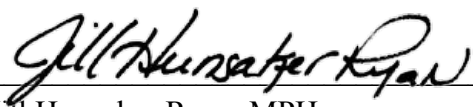
This order will be enforced to the greatest extent possible by all legal means. Failure to comply with this order is subject to the penalties contained in sections 25-1-114, C.R.S. including a fine of up to one thousand (1,000) dollars and imprisonment in the county jail for up to one year.

V. Severability

If any provision of this PHO to the application thereof to any person or circumstance is held to be invalid, the remainder of the PHO, 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 PHO are severable.

VI. Duration

This PHO shall become effective at 8:00 a.m. on March 24, 2020 and will continue to be in effect until 11:59 p.m. on April 10, 2020, unless extended, rescinded, superseded, or amended in writing.


Jill Hunsaker Ryan, MPH
Executive Director

March 22, 2020

