



D 2021 079

EXECUTIVE ORDER

Amending, Restating, and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending, restating, and extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056, ordering individuals in Colorado to wear a medical or non-medical face covering due to the presence of coronavirus-2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of widespread community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D 2021 061, and D 2021 068. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

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

A statewide vaccination effort is now underway, and the general population of the State of Colorado became eligible to receive the COVID-19 vaccine as of April 2, 2021. As more and more Coloradans are vaccinated, we are further protecting ourselves, our families and friends, and our communities from COVID-19. As we take steps to return Coloradans to work and return

to life as normal, we must continue to take measures to facilitate reopening the economy while protecting public health by incorporating best practices to protect individuals from infection.

This Executive Order amends, restates, and extends the prior Executive Orders relating to face coverings to protect Coloradans by requiring individuals in Colorado to wear face coverings over their nose and mouth in certain locations and situations.

II. Directives

- A. In all counties, medical or non-medical cloth face coverings that cover the nose and mouth are required to be worn by individuals age eleven (11) and older when entering or within the following public and private settings:
1. Preschool through grade 12 schools (including extracurricular activities), child care centers and services, and indoor children's camps;
 2. Public areas of state government facilities, and areas in state government facilities where members of the public come into contact with state government employees;
 3. Congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes;
 4. Prisons;
 5. Jails;
 6. Emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures);
 7. Personal services, as defined by Public Health Order (PHO) 20-36; and
 8. Limited healthcare settings, as defined by PHO 20-36.
- B. In counties with one week disease incidence rates of 35 or fewer per 100,000 (Level Green under PHO 20-36), counties may lift or modify face covering requirements to the extent permitted under this Executive Order. In counties with one week disease incidence rates in excess of 35 per 100,000, medical or non-medical cloth face coverings that cover the nose and mouth are required to be worn by individuals age eleven (11) and older when entering or within Public Indoor Spaces where 10 or more unvaccinated individuals or individuals of unknown vaccination status are present.

- C. For the purposes of this Executive Order, Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated, to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.
- D. Except as permitted by Sections II.H, II.I, and II.K of this Executive Order, to protect workers, customers, and the community, owners, operators, and managers of the businesses, services, and locations listed in Sections II.A and II.B of this Executive Order and those authorized on their behalf, shall deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering as required by this Executive Order.
- E. Owners, operators, or managers of the businesses, services, and locations identified in Sections II.A and II.B of this Executive Order must post signs at entrance(s) instructing individuals of their legal obligation under this Executive Order to wear a face covering when entering or within the business, service, or location.
- F. Any individual who endangers the health of others by knowingly entering or remaining in a Public Indoor Space, as such term is defined in Section II.C of this Executive Order, in violation of the terms of this Executive Order may be subject to civil or criminal penalties, including but not limited to prosecution for trespass.
- G. A State or local department or agency that learns of a business licensee that is in violation of this Executive Order will consider whether the public health, safety, or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license).
- H. The following individuals are exempt from the requirements of this Executive Order:
 - 1. Individuals ten (10) years old and younger; and
 - 2. Individuals who cannot medically tolerate a face covering.
- I. Individuals performing the following activities are exempt from the requirements of this Executive Order while the activity is being performed:
 - 1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;

2. Individuals who are seated at a food service establishment;
 3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
 4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
 5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
 6. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel;
 7. Individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service;
 8. Individuals who are giving a speech for broadcast or an audience;
 9. Individuals who are alone in a room.
- J. Nothing in this Executive Order should be construed to prevent individuals from wearing a surgical-grade mask, face shield, or other, more protective face covering to cover the nose and mouth if that type of mask or more protective face covering is appropriate under industry standards.
- K. These directives shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or State law.
- L. Nothing in this Executive Order changes or abrogates the Centers for Disease Control and Prevention's (CDC) Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be viewed here: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>
- M. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order.
- N. Except as modified by this Executive Order, all Executive Orders or Public Health Orders issued due to COVID-19 and that are currently in effect shall remain in full force and effect as originally promulgated.

- O. CDPHE, in consultation with the appropriate Local Public Health Administration, may grant waivers for certain indoor activities that take place for a limited time period if such activities cannot practically or safely be performed while wearing a face covering.
- P. Notwithstanding any provision of this Executive Order, all Coloradans are encouraged to wear a medical or non-medical cloth face covering that covers the nose and mouth in any setting where they are likely to come into close proximity with non-vaccinated members of the public.

III. Duration

Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, and as amended, restated, and extended by this Executive Order, shall expire thirty (30) days from April 3, 2021, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this third
day of April, 2021.

A handwritten signature in blue ink, reading "Jared Polis".

Jared Polis
Governor