HUSCH BLACKWELL

Colorado: State-by-State COVID-19 Guidance

COLORADO

Please note: As *of April 15, 2021 we are no longer doing regularly scheduled updates to this page.*

April 15, 2021:

Governor Polis extended an Executive Order related to marriage licenses, as well as an Executive Order temporarily suspending certain regulatory statutes due to COVID-19. The Governor also recently provided an update on the state's response to the COVID-19 pandemic, along with Colorado Department of Public Health and Environment (CDPHE) Executive Director Jill Ryan, Tri-County Public Health Executive Director Dr. John Douglas, and Colorado's Chief Medical Officer Dr. Eric France. Governor Polis highlighted the state's progress in vaccinating its population and discussed the future of the county-level dial system. As previously announced, the Dial 3.0 will shift to local control on April 16. In the short-term, Tri-County Health and metro Denver area agencies, including Broomfield, Boulder, Jefferson, and Denver countries, will be extending the dial via the Metro Denver Partnership for Health.

As of April 13, 2021, the CDPHE and the Colorado Joint Vaccine Task Force are requiring providers to temporarily stop administration of the Johnson & Johnson (Janssen) COVID-19 vaccine in the state. Anyone scheduled to receive the Johnson & Johnson (Janssen) vaccine will either receive the Pfizer or Moderna vaccine instead, or the vaccine provider will contact them to reschedule their appointment once the FDA and CDC release additional information.

On April 14, 2021, Governor Polis amended and extended the Executive Order pertaining to the State's disaster declaration due to COVID-19 in Colorado. The amendment reallocates funds from the CDPHE to the Department of Corrections for response activities related to COVID-19. This amendment does not allocate any new emergency funds.

April 12, 2021:

On April 9, 2021, Governor Polis amended and extended an Executive Order authorizing Executive Directors of certain agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents due to COVID-19 in Colorado. This Executive Order continues the authority to extend licensure deadlines for the Department of Health Care Policy & Financing, Department of Local Affairs, and Department of Higher Education while allowing the authority to expire for the Department of Public Health & Environment, Department of Natural Resources, Department of Revenue, Department of Regulatory Agencies, and Department of Human Services.

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As of April 12, 2021, Summit County is the only county in level orange. All front range counties are at level yellow, except for Arapahoe county which is at level blue.

April 8, 2021:

The Governor amended an Executive Order, continuing statutory suspensions for cost sharing for COVID-19 testing and treatment for Medicaid enrollees and direct and indirect health care services costs, while allowing the other provisions to expire. The order expires on May 6, 2021.

April 5, 2021:

Governor Jared Polis announced that he will be extending the statewide mask order as of April 3, 2021 and will expire 30 days thereafter. The updated Executive Order will continue to require mask-wearing in all counties in:

- Schools (including during extracurricular activities);
- Childcare centers and indoor children's camps;
- Public-facing state government facilities;
- Congregate care facilities;
- Prisons and jails;
- Emergency medical and other healthcare settings; and
- Personal services and limited healthcare settings (as defined by PHO 20-36).

In counties with one-week disease incidence rates in excess of 35 per 100,000, masks must also be worn in all public indoor settings when 10 or more unvaccinated individuals or individuals of unknown vaccination status are present. The Executive Order maintains exemptions that were in the previous Executive Orders.

Governor Polis also extended an Executive Order requiring the temporary suspension of certain statutes and rules to expand the healthcare workforce for hospitals and other inpatient treatment facilities due to the presence of COVID-19 beginning April 4, 2021 and expiring 30 days thereafter.

April 1, 2021:

On March 25, 2021, Governor Polis extended an Executive Order establishing directives for the COVID-19 Dial Framework. The Executive Order was amended to allow for counties in Level Orange to request site-specific variances and extend the requirement for the Colorado Department of Public Health and Environment to continue the Dial Framework until April 16, 2021.

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On March 27, Governor Polis extended an Executive Order that temporarily suspends certain state statutory deadlines to allow the continued use of federal funds from the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act). Thereafter, he extended an Executive Order related to protections provided to Colorado tenants from late fees due to COVID-19. The Governor also signed an Executive Order that allows Colorado taxpayers to file state income tax returns by the extended deadline of May 17, 2021 to align with the federal tax extension.

Governor Polis announced all Coloradans 16 and over would be eligible for a COVID-19 vaccine starting April 2, 2021. State officials anticipate that everyone who wants a vaccine will have access before the end of May.

Governor Polis recently extended (1) an Executive Order providing relief to public utility customers affected by COVID-19; (2) an Executive Order temporarily suspending statutes to maintain eligibility for Medicaid and Children's Basic Health Plan enrollees; and (3) an Executive Order ordering expedited unemployment insurance claim processing to provide relief to Coloradans impacted by the COVID-19 pandemic.

In addition, Governor Polis extended an Executive Order directing State of Colorado employees to take mandatory furlough days based on their salary range during fiscal year 2020-2021. State employees earning fifty thousand dollars per year or less were exempt from these furloughs. This extension runs through the end of this fiscal year, which ends on June 30, 2021. Employees were able to take furlough days at any point during this fiscal year, so this extension is necessary to ensure that all employees have the time to take their mandatory furlough days. There are no changes to the furlough policy that has previously been communicated to state employees.

March 18, 2021:

Governor Polis extended an Executive Order pertaining to the disaster emergency due to the presence of COVID-19. The order expires April 16, 2021.

March 15, 2021:

Governor Polis extended an Executive Order directing the Colorado Division of Insurance to enact a rule regarding rates for COVID-19 vaccine administration. The Order expires April 14, 2021.

March 11, 2021:

On March 9, 2021, Governor Polis amended and extended an Executive Order pertaining to elective surgeries. The new Executive Order continues the hospital reporting requirements and the ability of the

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Colorado Department of Public Health and Environment to issue a Public Health Order, while allowing the other provisions to expire. The order expires April 9, 2021.

On March 10, 2021, House and Senate Leadership from both parties and Governor Jared Polis announced the Colorado Recovery Plan, which will invest roughly $700 million into helping Colorado recover faster and build back stronger. From supporting small businesses to increasing individual economic mobility, the goal of this stimulus package is to pave the way for a more inclusive, robust recovery following the pandemic. The five goals include:

- Strengthening small businesses;
- Revitalizing infrastructure;
- Supporting Colorado families;
- Investing in rural Colorado; and
- Developing the workforce.

Governor Polis also extended an Executive Order authorizing Executive Directors of certain agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents due to COVID-19. The Order expires April 10, 2021.

March 8, 2021:

On March 6, 2021, Governor Polis extended an Executive Order requiring the temporary suspension of certain statutes and rules to expand the healthcare workforce for hospitals and other inpatient treatment facilities due to the presence of COVID-19. The Order is intended to help providers address the impacts of the pandemic, including severe staff shortages and substantial reductions in the use of these services due to COVID-19 in Colorado.

Similarly, on March 7, 2021, Governor Polis extended Executive Orders D 2021 010 and D 2021 037, which will expire on March 31, 2021. The Order is intended to make additional funds available to nursing homes, select community-based providers, and other congregate care facilities that care for Coloradans who are aging and/or have disabilities due to the presence of COVID-19.

On March 8, 2021, Governor Polis extended various Orders requiring the temporary suspension of certain statutes to increase the Medicaid Home Health Workforce by reducing the need for in person visits, and extending the elimination of cost sharing for COVID-19 testing and treatment for Medicaid enrollees.

The Governor also extended on March 8, 2021 Orders which temporarily suspended certain regulatory statutes [illegible] April [illegible] The Order permits the

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Department of Corrections to continue to manage its intake process to prevent the introduction of inmates who may have COVID-19.

Finally, on March 8, 2021, the Governor issued Executive Order D 2021 061 (Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado), which amends previous Orders and allocates additional funds from the Disaster Emergency Fund to state agencies for response activities related to COVID-19.

March 2, 2021:

Governor Polis extended an executive order temporarily suspending certain statutes to maintain eligibility for Coloradans enrolled in Medicaid and the Children's Basic Health Plan. Governor Polis also extended an executive order expediting unemployment insurance claim processing. Both orders expire March 30, 2021.

Jefferson, Broomfield, Clear Creek, and Gilpin counties along the Front Range have decreased to level blue. Grand, Lake, and Ouray counties are in level orange. Denver, Adams, Arapahoe, Boulder, Douglas, Weld, Larimer, and El Paso counties continue to be in level yellow.

February 25, 2021:

Governor Polis extended an Executive Order pertaining to juvenile justice, allowing the Colorado Department of Human Services and the Division of Youth Services to continue to respond to the pandemic and undertake efforts to prevent and contain the spread of COVID at their facilities. The Governor also extended an Executive Order allowing the Colorado Department of Public Health & Environment's Communities of Care program to reprioritize existing funds for COVID-19 response, as well as an Executive Order that allows veterinarians to provide telehealth services.

February 24, 2021:

Governor Polis amended and extended an Executive Order establishing directives for the COVID-19 Dial Framework to allow the Colorado Department of Public Health to add certain restrictions to level Red by Public Health Order. The Order expires March 23, 2021.

As of February 24, 2021, six of Colorado's 64 counties are at level Orange. The remaining counties (including counties in the Denver Metro area) are either Yellow or Blue. Colors by increasing order of severity of the outbreak are as follows: Green, Blue, Yellow, Orange, Red, Purple. 824,298 people (14%) have been immunized with one dose of the vaccine, and 411,107 people (7%) have completed vaccination (been immunized with two doses of the vaccine).

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February 22, 2021:

The Colorado Workforce Development Council (CWDC), in partnership with the Trailhead Institute and the Colorado Public Health Workforce Collaborative, has launched newly-developed career pathways in public health on the My Colorado Journey platform. The pathways aim to address the demand for a skilled public health workforce heightened by the COVID-19 pandemic, strengthen continued career development, and raise awareness of the field.

February 18, 2021:

Governor Polis extended the Executive Order authorizing the Colorado Department of Public Health and Environment to Order Hospitals and Freestanding Emergency Departments to Transfer or Cease the Admission of Patients to Respond to the Current COVID-19 Disaster Emergency in Colorado. The Order allows hospitals that have reached capacity to stop admitting patients or transfer patients to a separate facility without first obtaining the individual's written or informed consent (within the requirements of Federal law).

February 15, 2021:

On February 13, 2021, Governor Polis extended an Executive Order directing the Colorado Department of Regulatory Agencies to promulgate a rule establishing reasonable rates by which health insurance carriers will reimburse providers for the cost of the COVID-19 vaccine. The following day, Governor Polis extended an Executive Order suspending certain regulatory statutes, permitting the following:

- Retailers and breweries that sell alcohol on site can provide takeout of sealed alcoholic beverages if the customer is over 21 and also purchases food.
- A suspension of the requirement for a physical exam prior to the issuance of medical marijuana cards.
- Retail marijuana stores can now offer pickup of certain marijuana products.
- Delivery of emergency goods and services despite the vehicle gross weight provisions for vehicles weighing between 80,001 – 84,999 pounds.

Governor Polis also extended an Executive Order that suspended statutes preventing the county clerk and recorder from issuing marriage licenses when such offices are closed to the public.

On February 15, 2021, Governor Polis extended the Executive Order declaring a disaster emergency due to COVID-19.

February 11, 2021:

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Colorado recently initiated “Dial 2.0” as its new metric to determine appropriate COVID-19 restriction levels. The following counties have moved down to level yellow as of February 6, 2021:

- Adams
- Alamosa
- Arapahoe
- Baca
- Boulder
- Broomfield
- Chaffee
- Cheyenne
- Conejos
- Costilla
- Delta
- Denver
- Douglas
- El Paso
- Elbert
- Fremont
- Galveston
- Garfield
- Jefferson
- Larimer
- Las Animas
- Logan
- Mineral
- Montezuma
- Montrose
- Park
- Prowers
- Rio Blanco
- Rio Grande
- Teller
- Weld
- Yuma

No counties in Colorado are at level red or purple, the two most restrictive levels. To view real-time Colorado COVID-19 levels by county, click here.

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For information on how to sign up for the COVID-19 vaccine in Colorado, please visit www.cocovidvaccine.org or call 1-877-CO VAX CO.

February 9, 2021:

On February 8, 2021, Governor Polis extended an Executive Order permitting voluntary or elective surgeries and procedures under certain conditions.

On February 9, 2021, Governor Polis provided an update on Colorado's response to the ongoing COVID-19 pandemic and the State's efforts to vaccinate Coloradans. The Governor announced that Colorado's vaccine allocation from the federal government will increase by 9,000 doses starting next week. At this new rate, Colorado is expecting an additional 27,000 vaccine doses over the next three weeks.

Governor Polis also provided an update on community-based and mass vaccination clinics that he has visited. SCL Health vaccinated 5,000 Coloradans, and National Jewish vaccinated 1,000. Colorado is partnering with Salud Family Health Center, SCL Health, UCHealth, National Jewish Health, Valley Wide Health, and many other organizations to vaccinate medically underserved and hard to reach communities throughout the state.

As of February 8, the vaccine is now available to those aged 65 and older, as well as educators and childcare workers. Coloradans aged 70 and older will continue to be prioritized, as the state is set to reach its goal of vaccinating 70% of those aged 70 and up by the end of this month.

Governor Polis also extended an Executive Order authorizing Executive Directors of certain agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents due to COVID-19 in Colorado.

February 8, 2021:

On February 6, 2021, Governor Polis issued Executive Order D 2021 037, extending Executive Order D 2021 10 and redirecting underutilized resource to nursing facilities and other Home and Community-Based Services to help providers fighting the COVID-19 pandemic. The order is set to expire March 1, 2021, unless another extension is issued.

On February 7, 2021, Governor Polis issued Executive Order D 2021 038, which extends Executive Order D 2020 077 until March 2, 2021. The extension provides for the suspension of certain statutes to eliminate cost-sharing for COVID-19 testing and treatment for Medicaid recipients, as well as increase the [illegible]

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Governor Polis also issued Executive Order D 2021 039 on February 7, 2021. This Order extends, until March 2, 2021, prior Executive Order D 2020 016, which suspended certain criminal regulatory statutes to give the Colorado Department of Corrections more discretion. Under the extension, the state's DOC can continue to make decisions geared towards combatting the spread of COVID-19 in state prisons and protecting correctional officers and staff from exposure.

On February 8, 2021, Governor Polis issued Executive Order D 2021 040, which extends former Executive Order D 2020 045, until March 3, 2021. The Order allows for voluntary and elective surgeries or procedures to resume under specified conditions.

February 3, 2021:

On February 2, 2021, Governor Polis issued two Executive Orders. The first, Executive Order D-2021-33, extends the Executive Order D-2020-188 (first issued on September 10, 2020), which suspended and modified the state child care licensing law to facilitate the use of "learning pods" during the COVID-19 pandemic. Executive Order D-2021-33 extends Executive Order D-2020-188 and its subsequent extensions for an additional 30 days from February 2, 2021.

The second order issued, Executive Order D-2021-034, amends and extends the Executive Order D-2020-071 for an additional 30 days from February 2, 2021. The amendment provides for the creation of alternate care sites at St. Anthony's and St. Mary-Corwin Medical Center to provide healthcare services to patients recovering from COVID-19. Further, the amendment makes several accommodations to allow these facilities to be set up more quickly.

February 1, 2021:

On January 29, 2021, Governor Polis issued Executive Orders D 2021 028 and 029. The first Order amends prior orders to reallocate $11.8 million in funds from the Colorado Department of Public Health & Environment (CDPHE). Of the total, $11.2 million will be reallocated to the Department of Corrections, and $600,000 will be reallocated to the Department of Human services. All funds are to be used for COVID-19 responses. Additionally, the amendment internally reallocated $23 million in CDPHE expenditures, funded by federal dollars, to new purposes. The second Order signed on January 29, 2021 extends Executive Order D 2020-307 for an additional thirty days to further protect tenants from late fees. Under the amendment, any late fees or penalties assessed after the expiration of D 2021 029 shall apply only to rent due on or after that date.

On January 30, 2021, Governor Polis issued Executive Order D 2021 030. This order extends Executive Order D 2020 098 for an additional 30 days, unless extended by further order. Under the original order, Governor [illegible] and accrual of

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late fees for residential and small business customers, as well as develop a payment assistance program for qualified customers.

Additionally, on January 31, 2021, Governor Polis issued Executive Orders D 2021 031 and 032, which both extend prior Executive Orders. Order 031 extends Executive Order D 2020-068, which ensures compliance with the Families First Coronavirus Response Act by:

- Suspending certain statutes to allow for continued Medicaid eligibility or benefits status for individuals enrolled as of March 18, 2020;
- Preventing changes in eligibility; and
- Delaying the collection of annual fees for those enrolled in Colorado's Children's Basic Health Plan.

Order D 2021 032 amends and extends the earlier D 2020-100, which expedites the processing of unemployment insurance claims. Under the amendment, unemployment insurance benefit recipients must serve an "unpaid waiting week" before they can receive benefits. The amended Order shall remain in effect for an additional thirty days beginning on January 31, 2021.

January 11, 2021:

Large portions of Colorado have experienced gains in the fight against the virus in the recent weeks, which prompted the transition of many counties from Level Red to Level Orange in the Dial Framework. Following this transition, the CDPHE revised the PHO 20-36 to allow greater operations for gyms and other recreational businesses. In addition to a slight relaxation of the restrictions on social and economic activity, Governor Polis acted to extend various Executive Orders to continue the State's fight against COVID-19.

Level Orange, which governs restrictions in the eastern half of the State and much its western areas, provides for the following restrictions:

- 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;
- 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 continue to adhere to distancing and other requirements set forth in the PHO 20-36;
- 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;
- Critical and Non-critical Retail may operate at 50% of the posted occupancy limit, and should offer [illegible] and at-risk individuals;

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- Non-critical Manufacturing may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room;
- Restaurants may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room, and 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—on-premises alcohol consumption at 10:00 p.m.;
- Field Services may operate, and real estate open houses must follow the Indoor Event requirements;
- Indoor Events may operate at 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, using the distancing calculator, but if the event is a seated event, the usable space may be calculated using 6-feet distancing between non-household contacts instead of using the calculator;
- Outdoor Events may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, using the distancing calculator, but if the event is a seated event, the usable space may be calculated using 6-feet distancing between non-household contacts instead of using the distancing calculator; and
- Organized recreational youth or adult league sports are not authorized for indoor settings, but 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.

The revised PHO 20-36 modified the Dial Framework to allow gyms and other recreational businesses to operate at the same capacity as restaurants in each level of the Dial Framework. PHO 20-36 remains in effect until February 4, 2021.

As noted, Governor Polis issued or extended the following Executive Orders—some with minor modifications:

- Executive Order D 2021 001: extends the temporary relief provided to public utility customers to January 31, 2021, including the waiver of reconnection fees; the suspension of the accrual of late payment fees for residential and small business consumers; and direction to the Colorado Public Utilities Commission to provide guidance to and work with utility providers to develop aid programs for customers;
- Executive Order D 2021 007: extends the State's mandate that Coloradans must generally wear a non-medical face covering over their nose and mouth when in public and requiring mask wearing for employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses as well as for State and county employees and the individuals they serve at Government Offices and Facilities; the order expires on February 6, 2021;
- Executive Order D 2021 307: extends the protects for residential and commercial tenants from late fees for failure to timely pay any [illegible] January 31, 2021, but [illegible] that any fee or penalty assessed on or after January 31, 2021, shall apply only to rent due on or after that date;

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- Executive Order D 2020 296: extends Colorado's state of disaster emergency to January 25, 2021;
- Executive Order D 2020 289: reenacts the State's Dial Framework created through Executive Orders D 2020 235 and D 2020 265 for 30 days, which expires on January 27, 2021;
- Executive Order D 2020 286: extends Executive Order D 2020 260 to January 22, 2021, which authorizes CDPHE to order hospitals and freestanding emergency departments to transfer or cease the admission of patients to respond to the current disaster emergency due to COVID-19 in Colorado within the requirements of federal law;
- Executive Order D 2020 280: extends the authorization for executive directors of certain state agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents described in Executive Order D 2020 015 (as amended) until January 13, 2021.

December 7, 2020:

The continuing rise in COVID-19 cases has forced much of the State's population into Level Red of the Dial Framework, including the Denver metro area. The State has extended a variety of existing measures and adopted new ones aimed at combating the virus' spread and reducing its impact on residents and businesses.

Governor Polis issued or extended the following Executive Orders—some with minor modifications—to keep the State engaged in the fight against the virus:

- Executive Order D 2020 061: orders a one-month extension for remitting state sales taxes collected by qualifying restaurants and bars, which includes the following key provisions:
    - the sales tax exemption applies to the "alcoholic drinking places industry" (i.e. bars, taverns, and brew pubs), the "restaurants and other eating places industry" (i.e. restaurants, cafes, and lunch counters,), and the "mobile food services industry" (i.e. food sales from motorized vehicles (food trucks or ice cream trucks) or nonmotorized carts (hot dog carts));
    - the alcoholic drinking places and restaurants and other eating places industry may deduct from state net taxable sales the lesser of state net taxable sales or $70,000 and retain the resulting sales tax collected—each entity may make this deduction for each qualifying physical site, not to exceed five total deductions;
    - the mobile food services industry may deduct from state net taxable sales the lesser of aggregate state net taxable sales for all sites or $70,000 per motorized vehicle or nonmotorized cart and retain the resulting sales tax collected;
    - the deduction applies only to a sales tax return for sales made in November 2020 by December 20, 2020 and may only be retained by a qualifying retailer until the earlier of the sales tax return due April 20, 2021, or the retailer's final sales tax return; and
    - the order expires on December 25, 2020.
- Executive Order D 2020 [illegible]5: extends the State's Dial Framework (Executive Order D 2020 235) to December 28, 2020 and directs all Coloradoan who reside in counties under Level Purple to

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observe extreme risk precautions.

- Executive Order D 2020 268: extends the previously declared state of emergency in Colorado through December 27, 2020 and increases disaster relief funding for the Colorado Department of Public Health and Environment ("CDPHE").
- Executive Order D 2020 270: extends the temporary relief provided to public utility customers, including the waiver of reconnection fees; the suspension of the accrual of late payment fees for residential and small business consumers; and direction to the Colorado Public Utilities Commission to provide guidance to and work with utility providers to develop aid programs for customers. The order will expire on January 3, 2021.

CDPHE also issued a Second Amended Public Health Order 20-36 to make several clarifications regarding the application of the Dial Framework to various industries. First, the order clarifies that Critical Retail must adhere to the 50% occupancy restriction in all six levels of the Dial Framework. Next, its clarified that open houses may continue in Level Red, but that such events must be limited to one household at the property at a time. Third, the order removed indoor malls from the definition of Indoor Event and reclassified indoor malls as part of and subject to the restrictions affecting Critical Retail and Non-critical Retail. The order will expire on December 30, 2020.

(City and County of Denver): The City and County of Denver adopted the restrictions on social and economic activity associated with Level Red of the Dial Framework and First Amended Public Health Order 20-36. In doing so, the City repealed is Home by 10 public health order.

November 18, 2020:

Effective November 20, Colorado's COVID-19 Dial (previously the Safer at Home Dial) will impose a modified framework for governing the limits on social and economic activity in the State. The First Amended Public Health Order 20-36, which implements the COVID-19 Dial, adds a sixth category of activity limitations to provide counties another opportunity to avoid stay-at-home restrictions.

Under the COVID-19 Dial, counties may now find themselves in one of six color-coordinated levels that prescribe various limits on social and economic activity. The first three levels, Green through Yellow, remain effectively unchanged from COVID-19 Dial's prior iteration. Levels Orange, Red, and the newly added Purpose contain several changes to capacity and operational restrictions. The definition of critical businesses has also expanded to include libraries and animal grooming facilities. The operational requirements imposed on critical businesses remain unchanged under the COVID-19 Dial.

Below is a summary of the changes to the capacity restrictions in Levels Orange, Red, and Purple:

- [illegible] separately regulated, while Orange continues to allow gatherings of up to 10 people from no more than two

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households;
- Childcare facilities may remain open in all three levels, while preschools through high schools may conduct in-person, hybrid, or remote learning as appropriate in Level Orange—high schools are suggested to move to remote learning in Level Red and Purple;
- Non-critical office-based businesses may operate at 25% capacity, not to exceed 50 people, in Level Orange, but may only allow in-person work up to 10% of their posted occupancy limit in Level Red—all in-person work conducted indoors is prohibited in Level Purple;
- Critical and Non-Critical Retail may increase their indoor operations to 50% of their occupancy limit in Levels Orange and Red, whereas Level Orange previously imposed a 25% capacity limit, but only curbside services are permitted in Level Purpose;
- Restaurants may continue to allow indoor dining up to 25% of their occupancy limits, not to exceed 50 people, in Level Orange, and outdoor dining is allowed with six-foot distancing between parties—on-premises alcohol consumption must end at 10:00 p.m.;
- Restaurants cannot offer indoor dining in Levels Red and Purple, and outdoor dining is only permitted in Level Red for members of the same household and on-premises alcohol consumption must end at 8:00 p.m.;
- Bars remain closed in all three Levels;
- Gyms and fitness centers may continue to operate at 25% of capacity, not exceed 25 people indoors, in Level Orange, but must reduce their operations to 10% of capacity, not exceed 10 people indoors—Level Purpose prohibits indoors operations; and
- Personal services may continue to operate at 25% capacity, not to exceed 25 people, in Level Orange, as well as in Level Red, but all in-person services are prohibited in Level Purple.

The transition between levels will continue depending upon a county's rate of new cases, percent of positive results, and hospitalization rates, except for Level Purple. A county will move to Level Purple if its hospital capacity is at risk of breach. The full list of restrictions imposed by the COVID-19 Dial can be accessed here as well as through the First Amended Public Health Order 20-36.

The counties likely to be impacted this Friday by a shift to Level Red include Denver, Jefferson, Arapahoe, Adams, and Douglas counties. The First Amended Public Health Order remains in effect until December 17, 2020.

November 16, 2020:

Governor Polis extended prior orders allowing the suspension or extension of various licenses and permitting voluntary elective surgeries or procedures with certain additional requirements.

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mandating certain protocols and best practices for those facilities providing such procedures. The order identifies numerous criteria that the CDPHE must include in the protocols, including:

- Access to PPE, ventilators, and trained staff;
- Use of PPE or face coverings for providers, staff, patients, and visitors;
- Intermittent patient scheduling to provide for social distancing, enhanced cleaning, sufficient time to change PPE, and to minimize aerosol contamination;
- Implementation of a universal symptom screening process for all staff, patients, and visitors upon arrival; and
- Viable methods to eliminate, reduce, or contain aerosol production during care.

The order will remain in effect until December 13, 2020.

Executive Order D 2020 251 extends the authorization for executive directors of certain state agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents described in Executive Order D 2020 015 (as amended) until December 14, 2020.

On November 13, Governor Polis and the Colorado Department of Health and Environment extended their efforts to protect vulnerable populations and the employees of critical businesses and those operating mass transit systems.

Executive Order D 2020 245 continues to require Coloradans to wear a mask in public when in close proximity to others, entering indoor facilities, or waiting for and riding mass transit. The order extends the requirements of the State's prior face-covering orders—Executive Order 110 (as amended by Executive Order D 2020 190, among others)—until December 9, 2020. The face-covering mandate applies to all individuals 10 years of age or older.

Further, the CDPHE enhanced the testing requirements for staff and residents at Colorado licensed or certified skilled nursing facilities, intermediate care facilities, assisted living residences, and group homes. Under the Fourth Amended Public Health Order 20-20, effective November 20, 2020, these facilities must implement COVID-19 ongoing surveillance testing, and outbreak testing as needed, for all staff and residents, which includes weekly surveillance testing for staff.

The amended PHO 20-20 also modifies the requirements imposed on those facilities to allow for indoor visitation. Indoor visitation may occur if a facility: (1) is located in a county that satisfies certain minimum thresholds for case rates; (2) has not had a case in the previous 28 days; (3) has conducted conduced at least two rounds of testing of all staff and residents who have left the facility within the preceding 14 days prior to the start of indoor visitations; (4) maintains an ongoing 14-day supply of all necessary PPE that would be necessary to respond to an outbreak, without dependence on State or local public health stockpiles; and (5) maintains adequate staffing for indoor visitation.

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(Denver County): The City and County of Denver is now under a 10:00 p.m. to 5:00 a.m. curfew until December 7, following the enactment of the City's Home by 10 Public Health Order ("Order"). The Order and the associated curfew impose a variety of restrictions on social and economic activity, which largely mirror existing statewide limitations.

For example, the Order expressly incorporates the limits on private and public gatherings imposed by the State's Public Health Order 20-36. Since the City is in safer-at-home Level Orange, the Order prohibits gatherings of more than 10 people from more than two households. It also adopts PHO 20-36's operational restrictions for restaurants and bars that serve food (bars that do not serve food remain closed to in-person operations), although groups are limited to six people from no more than two households instead of the 10 permitted by PHO 20-36.

Under the Order, after 10:00 p.m., the City's residents are prohibited from using, standing, sitting, traveling or being otherwise present on any public street or in any public place, including for the purpose of travel, subject to various exceptions for Necessary Travel, Necessary Activities, and accessing Critical Businesses. Further, all recreational sports activities, including organized recreational youth and adult league sports, practices, games, and tournaments, are prohibited.

November 5, 2020:

Governor Polis and the Colorado Department of Public Health and Environment moved this week to streamline the State's "Dial Framework" for COVID-19 restrictions and extend its state of emergency.

Executive Order D 2020 235 and Public Health Order 20-36 consolidated and reenacted the State's existing stay-at-home, safer-at-home, and protect-our-neighbors orders. Although the Public Health Order supersedes those prior executive orders and their related public health orders, the new order does not alter their restrictions. Rather, the new order simplifies the Dial Framework by providing a single order from which the State's residents can determine the restrictions applicable to the five levels of restriction comprising the Dial Framework.

Governor Polis also issued Executive Order D 2020 234, which extends the state of emergency in Colorado resulting from the pandemic to November 30, 2020.

October 27, 2020:

Effective October 28, 2020, Denver and Adams counties will transition to the more restrictive Level 3 in the State's Dial Framework following an increase in COVID-19 cases and hospitalizations. The transition to the Level 3 imposes the following limitations on social and economic activity.

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- personal social gatherings must not exceed 10 people—Denver County has previously reduced this number to five individuals;
- office-based businesses may allow up to 25% of their employees to conduct in-person work that takes place outside a private residence;
- Non-critical Retail may operate at 25% of the posted occupancy limit;
- Non-critical Manufacturing may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room;
- personal services may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room;
- 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 the same group limit of 10 and minimum spacing of 6 feet apart;
- all on-premises licensees for alcohol sale 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;
- Indoor Events may allow up to 25 people within their usable space calculated using the Distancing Space Calculator per room, excluding staff;
- Outdoor Events may allow up to 75 people within their usable space calculated using the Distancing Space Calculator, excluding staff;
- gyms, recreation centers and indoor pools are not authorized to open for in-person services; virtual services may be provided; and
- organized recreational youth or adult league sports are not authorized for indoor settings.

The Colorado Department of Public Health also amended Public Health Order 20-35, which establishes the Dial Framework, on October 23, 2020. The revised order clarifies that:

- counties may move more than one level at a time in the Dial Framework;
- personal social gatherings in all three levels should not exceed two households;
- the in-person cap for restaurants and indoor and outdoor events does not include staff; and
- critical businesses and government functions should follow their sector guidance, unless doing so does not allow them to provide the critical need.

The revised order remains in effect until November 6.

October 21, 2020:

In response to a rise in COVID-19 cases in Colorado, Governor Polis extended or amended numerous executive orders aimed at lessening the pandemic's impact on the State, including creating significant new [illegible]

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- Executive Order D 2020 216: increases and reallocates CARES Act and other federal and state financial assistance to small business grants, food banks and pantries, housing programs, and state payrolls, among other areas.

- Executive Order D 2020 217: extends Executive Order D 2020 188 to November 9, 2020, which allows licensed family-child-care homes and child-care centers to increase the number of children that they may care for by obtaining a waiver from the Colorado Department of Humans Services.

- Executive Order D 2020 218: decommissions the Ranch Complex in Loveland and the Western Memory Care Center in Grand Junction as alternative COVID-19 care sites, which provide ongoing medical treatment for those affected by the virus but that no longer require inpatient hospitalization. The order also extends the alternative-care-site designations for the remaining three site locations in Colorado until November 9, 2020.

- Executive Order D 2020 219: extends the statewide face-covering requirement implemented by Executive Order D 2020 110 (as amended) to November 11, 2020, while allowing the Colorado Department of Public Health and Environment to waive the face-covering mandates for indoor activities that cannot practically or safely be performed while wearing a mask.

- Executive Order D 2020 223: requires landlords of residential and commercial tenants that were "economically harmed by COVID-19" to adhere to the below requirements before taking action to evict a tenant until at least November 15, 2020:

    - landlords must provide tenants with thirty (30) days' notice of any default for nonpayment that occurred on or after March 10, 2020 before initiating or filing an action for forcible entry and detainer;

    - no landlord, mobile home park owner, or property management entity shall charge a monetary sum, fee, or other penalty against a tenant or mobile-home owner for failure to timely pay any portion of rent, beginning the day this Executive Order is executed; and

    - no individual shall file or initiate actions for forcible entry and detainer (i.e. eviction), including any demand for rent, unless the individual has notified the tenant in writing of the federal protections against eviction provided by the CDC's Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19 and provided the tenant with a copy of the CDC's order and DOLA's model notification letter.

- Executive Order D 2020 227: amends and clarifies the limits on eviction activities by landlords [illegible]

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- the order defines “financial hardship due to COVID-19” to refer an individual who meets certain criteria, including earning less than $99,000 in annual income in 2020 (less $198,000 for joint filers), did not report any income in 2019 to the IRS, or received a stimulus check under Section 2201 of the CARES Act;
- tenants are required to attest to their “financial hardship” under the penalty of perjury;
- precludes the filing or initiation of forcible entry and detainer actions (i.e. eviction) based solely upon a tenant’s default of a contractual obligation imposed by a rental agreement if the tenant claims a financial hardship due to COVID-19;
- precludes the filing or initiation of forcible entry and detainer actions against a tenant following the expiration of the term of the agreement, month-to-month tenancies, or the termination of a tenancy at will or sufferance if the tenant demonstrates financial hardship due to COVID-19; and
- prohibits the use of writs of restitution and related orders or judgments for the removal of tenant property or to recover possession of the leased premises if the tenant demonstrates financial hardship due to COVID-19.
- The above limitations, however, do not apply to circumstances where a tenant poses an imminent and serious threat to another individual or causes significant damage to landlord’s property, nor do they relieve a tenant of its duty to comply with any contractual obligations imposed on her or him by a lease or rental agreement.

- Executive Order D 2020 224: extends the authorization for executive directors of certain state agencies to promulgate and issue emergency rules extending the expiration date of licenses and other documents described in Executive Order D 2020 015 (as amended) until November 16, 2020.
- Executive Order D 2020 225: extends Executive Order D 2020 045 (as amended) to November 18, 2020, which allows for the resumption of voluntary or elective surgeries under certain conditions.

CDPHE also modified Public Health Order 20-29 concerning the resumption voluntary and elective surgeries and the State’s Safer at Home Dial framework created under Public Health Order 20-35.

Public Health Order 20-29 now requires facilities conducting voluntary or elective surgeries to require face coverings while indoors and maximize the ventilation and filtration of indoor spaces.

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CDPHE’s amendments to the Safer at Home Dial focus on the late-night operation of restaurants and bars that serve food and the obligations imposed on post-secondary institutions. The revised order

clarifies the obligations of these post-secondary institutions to screen for COVID-19, report cases and outbreaks, and implement quarantine and isolation in off-campus housing with 10 or more students. As for restaurants and qualifying bars, the revised order ties last call for takeout alcohol purchases to the level of the dial the county is in, clarified that counties can set more restrictive requirements for last call, and struck the provision ending take out alcohol sale at 11:00 p.m.

(City and County of Denver): Denver County revised its face-covering order and the State's Safer at Home Dial framework, previously adopted by the County.

The revised face-covering order (a) provides a more detailed description of what qualifies as a face covering, (b) requires all individuals three years of age or older to wear face coverings indoors, and (c) mandates that all individuals (including three-year old children) must wear a face covering in outdoor public spaces when it is not practicable or possible for individuals to socially distance and maintain a six-foot distance from others. Certain activities, such a youth sports, are exempt from the latter requirement. This order remains in effect until rescinded.

The County's revisions to the Safer at Home Dial are narrow. The revised order reduces public and private gatherings, including meetings held by non-critical office-based businesses, from 10 to five people. The revised order remains in effect until November 16, 2020.

October 7, 2020:

Governor Polis extended Colorado's state of disaster emergency to October 31, 2020, in addition to extending the State's Protect Our Neighbors order to November 3, 2020, which is incorporated into the safer-at-home dial framework. Further, on Monday, Governor Polis extended the executive orders limiting in-person contact for the 2020 elections to November 4, 2020.

October 6, 2020:

Governor Polis extended Colorado's state of disaster emergency to October 31, 2020, in addition to extending the State's Protect Our Neighbors order to November 3, 2020, which is incorporated into the safer-at-home dial framework. Further, on Monday, Governor Polis extended the executive orders limiting in-person contact for the 2020 elections to November 4, 2020.

September 28, 2020:

Governor Polis extended several previous executive actions aimed at allowing the resumption of certain activities while mitigating COVID-19's impact on tenants.

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First, Executive Order 2020 201 extends the Governor's prior suspension of various regulatory statutes set forth in Executive Order D 2020 11. For example, the order continues the State's authorization for restaurants and similar businesses to establish communal outdoor dining areas in which two or more liquor licensees may sell alcoholic beverages until October 22, 2020. The order also suspends the statutory provisions prohibiting a casino from dividing its lawful gaming area into more than two noncontiguous spaces and hosting blackjack games with no more than seven people.

Next, Governor Polis issued Executive Order D 2020 200, which continues to allow the issuance of marriage licenses despite the closure of clerk and recorder offices. The order expires on October 22, 2020.

Finally, Executive Order D 2020 202 extends and increases the protections afforded to tenants under Executive Order D 2020 101, as amended. Under the order, landlords must continue to provide tenants with 30 days' notice of nonpayment of rent. Landlords are now, however, required to delay initiating an action for forcible entry and detainer until after the 30-day notice period expires. Further, landlords must provide the tenant with written notice of the federal protections against eviction provided by the Centers for Disease Control and Prevention's (CDC) Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19. The failure to comply with these requirements will prohibit or delay a forcible entry or detainer action. The new requirements remain in place until October 22, 2020.

September 22, 2020:

Governor Polis recently amended the State's safer-at-home order and extended his order permitting the resumption of elective surgeries. The Colorado Department of Public Health and Environment ("CDPHE") also issued amended public health orders in response to the Governor's actions.

Executive Order D 2020 199 modified the safer-at-home order to allow CDPHE to authorize the sale of alcoholic beverages for on-premises consumption at restaurants and certain bars until to 2:00 a.m. MDT. CDPHE's Amended Public Health Order 20-35, however, stopped well short of allowing the sale of beverages until 2:00 a.m. Instead, the order staggers the cut-off point for alcohol sales depending upon the restaurant's county of residence's status in the State's "Dial Framework." So, restaurants located in counties in the Dial Framework's Safer at Home Level 1 category may sell alcohol until 12:00 a.m., while restaurants in those counties in the Safer at Home Level 2 and Level 3 categories may sell alcohol until 11:00 p.m. and 10:00 p.m., respectively. The order remains in effect until October 19, 2020.

Executive Order D 2020 198 extended without modification the Governor's prior order allowing elective or voluntary medical procedures and surgeries to October 19, 2020. Likewise, CDPHE issued an Amended Public Health Order 20-29 to extend its prior order authorizing elective or voluntary medical procedures to October 19, 2020.

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September 17, 2020:

The Colorado Department of Public Health and Environment issued Public Health Order 20-35 ("Order"), which codifies the "Dial Framework" policy unveiled by Governor Polis earlier this week. The Order expressly supersedes Public Health Order 20-28 that established the State's Safer at Home and in the Vast, Great Outdoors policy ("Safer at Home policy"). The Order, however, effectively incorporates the Safer at Home policy, in addition to detailing the Dial Framework's five status categories that control the level of re-opening permitted by a county.

September 15, 2020:

Governor Polis unveiled a new policy framework for controlling the State's re-opening on Tuesday. The "Dial Framework" policy builds upon the State's existing social-distancing orders and creates new metrics for guiding individual county re-openings across Colorado.

The Dial Framework establishes five categories that control the level of re-opening a county may allow. The categories are: (a) Protect Our Neighbors; (b) Safer at Home 1 – Cautious; (c) Safer at Home 2 – Concern; (d) Safer at Home 3 – High Risk; and (e) Stay at Home. Protect Our Neighbors requires the least restrictions on social and economic activity, while the Stay at Home category requires a return to the stringent limitations imposed last March.

Counties may transition between the categories depending upon whether their COVID-19 cases meet or exceed the new case, percent positivity, and hospitalization thresholds established by the Dial Framework. In order to transition to a less restrictive category, a county must satisfy the data requirements of all three thresholds for two consecutive weeks. Likewise, a county may be forced to transition to a more restrictive category if the data shows that its metrics exceed a particular level's thresholds. The only caveat to the fluidity of the Dial Framework is that counties must continue to follow the certification process established by the Protect Our Neighbors public health order before they may begin operating under that category's requirements.

At present, the Denver Metro Area remains in the Safer at Home 1 – Cautious and Safer at Home 2 – Concern categories. The policy contains a chart that details the limitations on social and economic activity imposed by those categories.

September 14, 2020:

Governor Polis extended the State's requirement that all individuals over ten years old must wear face coverings in an indoor public space or while waiting for public transit. Executive Order D 2020 190 also advises [illegible], and critical business to deny admittance to anyone not wearing a face covering. Further, owners, operators, or

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managers of public indoor spaces remain obligated to post signs at a facility's entrance instructing those that enter that it is their legal obligation to wear a face covering. Exceptions to those requirements include those who are seated at a food service establishment, those exercising alone or with members of their household, and those who are hearing impaired or are otherwise disabled where the ability to see one's mouth is essential to communication. The order will expire on October 13.

Governor Polis also issued Executive Order D 2020 189, which suspends several statutes to allow the Division of Homeland Security and Emergency Management (DHSEM) to establish alternate care sites ("ACS") in the event there is a surge of COVID-19 infections. These sites include: the Colorado Convention Center, the Larimer Count Fairgrounds and Events Complex, Western Slope Memory Center, St. Anthony's, and St. Mary-Corwin Medical Center. The order is set to expire on October 11, 2020.

September 8, 2020:

Over the Labor Day weekend, Governor Polis extended several previous executive orders.

Executive Order D 2020 178 extends the Governor's "Protecting Our Neighbors" executive order, which establishes a process through which counties may exempt themselves from the restrictions imposed under the State's safer-at-home order. Under the Protect Our Neighbors order, counties must demonstrate strong underlying public health and health care capacity that can respond to larger outbreaks; strong compliance with statewide standards; and the ability to enforce guidelines and public health orders. The order will expire on October 5, 2020.

The order also reiterates that the following individuals are considered vulnerable:

1. Individuals who are sixty-five (65) years and older;
2. Individuals who have cancer;
3. Individuals who have chronic kidney disease;
4. Individuals who have chronic obstructive pulmonary disease;
5. Individuals who are immunocompromised;
6. Individual who have a body mass index of 30 or higher;
7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
8. Individuals who have Sickle cell disease;
9. Individuals who have Type 2 diabetes mellitus; and
10. Individuals determined to be high risk by a licensed healthcare provider.

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Exe… contact during the upcoming elections. The order will remain in effect until October 7, 2020.

Finally, Executive Order D 2020 181 extends the relief previously given to public utility customers to lessen the economic pressure placed on them by the pandemic. The relief includes: the waiver of reconnection fees; the suspension of the accrual of late payment fees for residential and small business consumers; and direction to the Colorado Public Utilities Commission to provide guidance to and work with utility providers to develop aid programs for customers. The order will expire on October 7, 2020.

September 3, 2020:

Governor Polis extended the state of disaster emergency for Colorado until October 2, 2020, which reauthorizes a number of state agencies to issue orders aimed at protecting the State's residents from the pandemic and mitigating its spread.

August 26, 2020:

Governor Polis issued Executive Order D 2020 174, which extends several prior orders authorizing the food truck operations at rest areas. The order's purpose is to encourage commercial trucking operations by providing commercial truck drivers with access to freshly prepared meals. This authorization will expire on September 25, 2020.

August 25, 2020:

Governor Polis resumed his effort to adjust the State's regulatory framework to enable it to cope with the coronavirus' social and economic impacts on August 24. The Governor's temporary regulatory adjustments affect the timing for securing temporary liquor-license modifications, casino operations, and the issuance of marriage certificates.

Executive Order D 2020 173 removed the requirement that Department of Revenue act within 24 hours on an application for a temporary modification of a liquor license. The order, however, leaves in place the authorization for restaurants and similar businesses to establish communal outdoor dining areas in which two or more liquor licensees may sell alcoholic beverages for another 30 days. The order also suspends the statutory provisions prohibiting a casino from dividing its lawful gaming area into more than two noncontiguous spaces and hosting blackjack games with no more than seven people. Executive Order D 2020 173 remains in effect until September 23.

Governor Polis also issued Executive Order D 2020 172, which continues to allow the issuance of marriage licenses despite the closure of clerk and recorder offices. The order expires on September 23.

August 24, 2020:

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The Colorado Department of Public Health and Environment issued a revised Public Health Order ("PHO") and an order authorizing Voluntary or Elective Surgeries and Procedures ("Elective Surgery Order") on August 21. The agency issued the orders in response to concurrent executive action by Governor Polis, who issued Executive Order D 2020 170 and D 2020 169 addressing the State's safer-at-home restrictions and voluntary or elective surgeries. The PHO and Elective Surgery Order will expire on September 20, 2020.

The PHO largely mirrors its prior iteration with a few notable exceptions. First, individuals who are sick or experiencing flu-like symptoms are no longer required to self-isolate until their symptoms cease. Next, effective August 22, bars and restaurants may continue to serve alcohol on-premises until 11:00 p.m. The bars and restaurants, however, must make meals prepared by a retail-food licensee available at all times that alcoholic beverages are served for on-premises consumption. Lastly, the order updates the definition of a "vulnerable individual" to specifically include individuals with cancer, chronic kidney disease, chronic obstructive pulmonary disease, a body mass index above 30, various serious heart conditions, Sickle cell disease, and Type 2 diabetes mellitus.

The Elective Surgery Order similarly reincorporates its prior version, while adding some additional requirements on the use of PPE for dental and hospital facilities. Dental facilities must now require all patients to wear face masks, unless the patient is younger than two-years old or is unconscious. The order also clarifies that protective eyewear used to shield against injury from hard objects does not qualify as PPE.

August 19, 2020:

The Colorado Department of Public Health and the Environment ("CDPHE") announced new guidance for responding to work-place infection outbreaks on August 17. The guidance provides detailed list of actions employers may undertake to reduce the virus' spread among staff, maintain healthy business operations and work environments, and address COVID-19 cases, exposures, and outbreaks.

To reduce the spread among staff, CDPHE suggests that employers: screen employees daily, and send sick employees home; identify where and how employees might be exposed to COVID-19 at work; educate employees on how to reduce the spread of COVID-19; and know isolation and quarantine requirements, and help employees follow them.

The guidance also offers a variety action items for employers seeking to maintain healthy business operations, including implementing flexible sick leave and supportive policies and practices; communicating supportive workplace policies clearly, frequently, and via multiple methods; determining how you will cope if absenteeism increases; establishing policies and practices for social distancing among employees; [illegible] employees who must travel to take additional precautions.

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(Denver): The City and County of Denver has released information on its Priority Neighborhood Small Business Fund. The program will provide grants to support businesses during the pandemic. Among other requirements, eligible businesses must be in one of the following neighborhoods:

- East Colfax
- Globeville
- Elyria-Swansea
- Montbello
- Northeast Park Hill
- Sun Valley
- Valverde
- Villa Park
- West Colfax
- Westwood

The application for eligible business can be found at the link above and is open from August 10 to September 11, 2020.

In addition, the Metro Denver Partnership for Health has released Guidance for Prioritization of COVID-19 Testing. This guidance places people in one of four testing prioritization categories. These categories run from those for whom testing is generally not recommended—like individuals who have already tested positive—to those who should be tested—including those who have symptoms suggestive of COVID-19 or who are asymptomatic but have been at the site of a suspected outbreak. The guidance also lays out certain considerations for different individuals within each tier.

August 18, 2020:

The Governor signed two new orders on August 17. The first, Executive Order D-2020-165, extends the suspension of several statutes that reduce the need for in-person visits to Medicaid enrollees. The second, Executive Order D-2020-166, extends previous executive orders allowing the Colorado Department of Corrections greater discretion in receiving and housing inmates. Both of the orders expire on September 16.

August 17, 2020:

Governor Polis signed Executive Order D-2020-163 on August 12. This order extended previous orders that suspended several statutes to allow the Division of Homeland Security and Emergency Management (DHSEM) to establish alternate care sites ("ACS") in the event there is a surge of COVID-19 [illegible] fairgrounds and

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Events Complex, Western Slope Memory Center, St. Anthony's, and St. Mary-Corwin Medical Center. The order is set to expire on September 11, 2020.

The Governor also signed Executive Order D-2020-164 on August 14. This order extends the requirement that masks be worn in public places. Under the order, all individuals over ten years old must wear face coverings while in an indoor public space or waiting for public transit unless an exception applies. The order also advises those operating places of public accommodation, mass transportation operations, and critical business to deny admittance to anyone not wearing a face covering. Further, owners, operators, or managers of public indoor spaces remain obligated to post signs at a facility's entrance instructing those that enter that it is their legal obligation to wear a face covering. Exceptions to those requirements include those who are seated at a food service establishment, those exercising alone or with members of their household, and those who are hearing impaired or are otherwise disabled where the ability to see one's mouth is essential to communication. The order will expire on September 13.

August 13, 2020:

The Colorado Department of Public Health and Environment has released a series of new guidance documents from the CDPHE and the Colorado Department of Education to help parents and schools reopen and respond to COVID-19. The guidance documents concern:

- Information for parents and school staff providing checklists for signs and symptoms of infection.
- Flowcharts for when:
    - to send a staff member or a student home;
    - it's safe to return to school and work;
    - a classroom or group of students who have had contact with someone who is sick should stay home.
- A toolkit for planning the 2020-21 school year generally.
- Guidance for reopening schools.
- Guidance for schools on how to handling cases and outbreaks.

August 12, 2020:

The Colorado Department of Public Health and Environment ("CDPHE") has released guidance aimed at helping schools respond to the COVID-19 pandemic. The guidance addresses school reopening and coping with virus transmission at schools. CDPHE developed three different levels for reentering classrooms based on age and which phase of reopening the community has entered. For example, "Safer at Home," requires schools to remain all remote unless otherwise excepted, while "Protect Our Neighbors," allows schools [illegible] operations depending on grade level. In its advice to schools that have reopened and experience cases, CDPHE offers varying recommendations based on

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the number of students and faculty that are or may be positive. It also suggests classroom closure where one person within that classroom has been infected and school closures when five or more classrooms experience outbreaks.

August 11, 2020:

Governor Polis signed Executive Order D-2020-158 on August 9, which extends a previous order suspending statutes relating to healthcare workers and rulemaking. The new order leaves in effect directives allowing healthcare workers (e.g. advanced practice nurses, and physicians) to cross train, supervise, and delegate responsibilities to nurses' aides, chiropractors, and dentists, among others. The amendment does not extend the suspension of State Board of Pharmacy Rules, including the requirements that the hospital pharmacy not be more than one mile from the hospital and must maintain minimum hours of operation. The order remains in effect until September 8.

The Governor also recently extended several other orders an additional 30 days to September 9. The first, Executive Order D-2020-159, establishes the elections process during the pandemic. This order allows for online or by-mail petition signatures, sets forth a process for notarizing petitions, and requires all candidates to provide registered voters with the information normally contained in petitions.

The second, Executive Order D-2020-160, allows continued eligibility or benefits for Medicaid, prevents changes in eligibility, and delays the collection of fees for individuals enrolled in Colorado's Children's Basic Health Plan.

Lastly, Governor Polis signed Executive Order D-2020-162 to continue to protect tenants against evictions. Under the order, a landlord must continue to work provide tenants a thirty-day notice of default for any non-payment that occurred after March 10, 2020. The order also strongly encourages local governments to suspend or eliminate prohibitions that place limits on the number of unrelated individuals who can live in one household, prohibit group or boarding houses, or limit the number of days a hotel room may be occupied.

The Colorado Department of Public Health and the Environment (CDPHE) has also issued two new orders. On July 30, the Department issued its Second Amended order restricting visitors at nursing facilities, which now provides for outdoor visitation in accordance with state guidance. It also requires facilities to begin reporting the resources that they have available to respond to the pandemic including bed capacity, supply of personal protective equipment, and available staffing. Facilities are required to begin reporting the information to CDPHE daily on: August 5 for skilled nursing facilities; August 12 for assisted living facilities; and, August 19 for intermediate care facilities.

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On August 7, CDPHE also issued Amendments to Public Health Order 20-32. These amendments alter the list of those at high-risk for severe illness bringing them in line with the order of Governor Polis also

issued on August 7. The new order is effective through September 6.

August 10, 2020:

In recent days, Governor Polis has signed several new orders amending and extending previous orders. On August 4 the Governor signed Executive Order D-2020-152 amending and extending previous orders declaring a state of emergency and providing funding for the State's response. The order directs the extension of emergency funding until September 3, unless otherwise amended. The increase in funding includes additional monies for: the Colorado Department of Public Health and the Environment, the Colorado Governor's Office of Information and Technology, and the Colorado Department of Agriculture.

Governor Polis signed Executive Order D-2020-154 on August 7 extending and amending the previously issued "Protecting Our Neighbors" Order. The original order directed that individuals at risk of severe illness from COVID-19 could not be compelled to perform work in-person for any business or government function. The new amendments changed those who are considered to be at high risk. Now included are:

1. Individuals who are sixty-five (65) years and older;

2. Individuals who have cancer;

3. Individuals who have chronic kidney disease;

4. Individuals who have chronic obstructive pulmonary disease;

5. Individuals who are immunocompromised;

6. Individual who have a body mass index of 30 or higher;

7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;

8. Individuals who have Sickle cell disease;

9. Individuals who have Type 2 diabetes mellitus; and

10. Individuals determined to be high risk by a licensed healthcare provider.

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On August 8, Polis signed Executive Order D-2020-155 which amends and extends previous orders regarding the limitation of in-person contact during elections. By amendment to previous orders, the new order requires the major parties change their rules in compliance with restrictions put in place because of the pandemic and suspends the statutory requirement that party business be conducted via in-person meetings. The new order extends the expiration dates of previous orders to September 7.

Finally, on August 9, the Governor signed Executive Order D-2020-157. The order extends relief previously given to public utility customers to lessen the economic pressure placed on them by the pandemic. The relief includes: the waiver of reconnection fees and suspension of the accrual of late payment fees for residential and small business consumers: and, direction to the Colorado Public Utilities Commission to provide guidance to and work with utility providers to develop aid programs for customers. For the purposes of this order, “small business” is defined by previous order as: “[A] public utility customer whose utility service is classified as a small business user or a small commercial user pursuant to a utility tariff established by the PUC. Those public utilities without a tariff established by the PUC shall establish their own definition of ‘small business consumers,’ as necessary for purposes of implementing this Executive Order.” The expiration of this order was also extended to September 8.

August 4, 2020:

The Colorado Department of Public Health and Environment issued its Ninth Amended Public Health Order 20-28 on July 30. The order incorporates and extends the previous safer-at-home limitations on social and business activity, while also adopting Governor Polis’ recently adopted face-covering requirements and limitations on the sale of alcohol after 10:00 p.m. The order expires on August 20, 2020.

(Colorado Springs): El Paso County announced a temporary suspension of variances for indoor spaces. These spaces, except for places of worship, will be limited to groups of no more than 100 people starting August 3. This suspension was put into effect because of the rise in COVID-19 cases and will last until August 17, 2020.

July 29, 2020:

Governor Polis issued Executive Order D 2020 151, which extends several prior orders authorizing the food truck operations at rest areas. The order’s purpose is to encourage commercial trucking operations by providing commercial truck drivers with access to freshly prepared meals. This authorization will expire on August 27, 2020.

July 28, 2020:

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Governor Polis signed Executive Order D 2020 149, which directs various state agencies to access federal funds in order to help child care facilities and programs. This aid will provide: grants to assist child care programs; funds for additional “childhood mental health consultants”; and reimbursements for licensed child care providers for reductions in child attendance, accommodating lower group sizes, and purchasing additional safety and cleaning supplies because of the pandemic. The order will expire on August 25, 2020.

July 23, 2020:

On July 21, Governor Polis issued Executive Order D2020 142, which mandates that all alcohol sales to consumers in the State must end at 10 p.m. everyday beginning on July 23, 2020. This includes all sellers licensed under the Colorado Liquor Code, the Colorado Beer Code, and special license holders. Unless extended, the order expires on August 20.

July 22, 2020:

The Colorado Department of Health issued an amended public health order requiring employees and contractors for mass transportation operations and critical businesses, including government offices and facilities, who interact in close proximity with other employees or the public, to wear a face mask unless otherwise excepted. The order requires that all employers “provide non-medical face coverings for their employees.” If an employee cannot wear a face mask, every effort should be made to ensure that employee does not work within close proximity of other workers or the public; the reason for this should also be documented. Finally, if the employer provides gloves, the employees must wear the gloves “as appropriate by industry standards when in physical contact with customers or goods.” The order is set to expire on August 15, 2020.

(Denver): The City and County updated its face-covering order to align with new state guidance “with several notable exceptions.” Those exceptions include:

- Face-coverings are still required for those 3 years old and older, though the State requires coverings for those older than ten years of age;
- The “owners, operators, or managers of public indoor spaces . . . must post signs in a conspicuous place at every public entrance to the facility and restrict access for people who are not complying with the face-covering requirement”; all signs must be posted by July 28, 2020;
- The Denver Department of Public Health & Environment is “providing additional staffing for response and coverage to evaluate compliance of high-risk social settings,” and a business will receive a court summons “if an employee does not wear a face-covering or if 10 percent of customers are not wearing face-coverings”;
- [illegible] not clearly separated by the required spacing or customers are not wearing face coverings as required;

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The County's order is "effective until further notice," and "people/businesses may be issued a ticket with the potential for a $999 fine or 300 days in jail per violation for non-compliance with [the] order."

July 20, 2020:

Governor Polis took affirmative action to counter the recent rise in COVID-19 infections in the State late last Thursday. As of July 16, 2020, all Coloradans over the age of 10 must wear non-medical grade face coverings in a "Public Indoor Space." The new face-covering order—imposed through Executive Order D 2020 138—will remain in effect until August 16, 2020.

The face-covering order defines a "Public Indoor Space" as "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."

The order prohibits owners and operators of a Public Indoor Space from allowing the public to access the space without wearing a mask. And they must also post signage at the entrance of the establishment that explains the face-covering order's requirements. The failure to comply with these mandates could result in the suspension of a business's license to operate.

Several categories of activities, however, remain exempt from the order. The face-covering requirement does not apply to individuals performing the following activities:

- 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;
- individuals who are seated at a food service establishment;
- individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
- individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
- individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
- individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
- individuals who are officiating at a religious service; or
- individuals who are giving a speech for broadcast or an audience.

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Gov… ks in response to th… ctions across the State.

July 16, 2020:

Governor Polis authorized the creation of three additional alternative care facilities in Colorado to care for those recovering from COVID-19. The move came as the Governor extended and amended Executive Order D 2020 071, which suspends various regulatory statutes to allow for the operation of these alternative care facilities. The order allows alternative care facilities to operate at St. Anthony's facility in Thornton, St. Mary-Corwin Medical Center in Pueblo, and the Western Slope Memory Center in Grand Junction.

July 13, 2020:

Last Friday, the CDPHE issued Public Health Order 20-32, outlining guidelines in Colorado's third pandemic response phase, Protect Our Neighbors, as authorized by Governor Polis' Executive Order 2020-127. This phase allows for a broader opening of businesses and activities in select counties that have demonstrated a certain level of control and successful pandemic response measures that meet statewide consistency standards. Counties that are certified for the Protect Our Neighbors phase will be able to outline their own county-specific reopening plan, allowing for businesses in all sectors to reopen to 50% of their pre-pandemic capacity, not to exceed 500 people. Proper social distancing guidelines must remain in place, and businesses are encouraged to continue telework and remote activities to the greatest extent possible.

The certification process will be made available online by the CDPHE, consisting of the following metrics:

- Hospital bed capacity. Hospitals in, or serving, the county in question must have sufficient available hospital bed capacity to accommodate a 20% surge in admissions;
- Sufficient personal protective equipment supply. Hospitals must have available two weeks of PPE based on current usage;
- Stable or declining COVID-19 hospitalizations. No greater than 25% increase in new hospitalizations due to the virus in the last 14 days when compared with the previous 14-day period;
- Fewer new cases of COVID-19. 25 or fewer new confirmed cases of the virus per 100,000 individuals in the last two weeks, excluding cases in congregate facilities (senior care and other residential care, corrections);
    - In counties with populations of less than 30,000: 7 or fewer cases over the last two weeks, excluding cases in congregate facilities;
- Ability to implement case investigation and contact tracing; and
- A documented surge-capacity plan for case investigation and contact tracing.

Counties that are certified for the Protect Our Neighbors phase must submit a containment and mitigation plan to CDPHE [illegible] compliance with any of the metrics; and how the country will promote public compliance, quickly address outbreaks,

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increase mask wearing in public settings, and increase flu vaccine uptake to ensure available health care system capacity for COVID-19.

July 7, 2020:

On Monday, Governor Polis issued Executive Order D 2020 125, extending the previously declared state of emergency in Colorado through July 5, 2020. The state has been in a declared state of emergency since March 10. This Order also amends the previous state of emergency declaration and allocates an additional $226,038,648 from Colorado's Disaster Emergency Fund to several state agencies for pandemic response related expenses.

July 1, 2020:

On Tuesday afternoon, Governor Polis announced that bars and nightclubs in Colorado will be ordered to re-close for all in-person services following recent surges in confirmed cases of the virus. Pursuant to the Governor's directive, the CDPHE issued revised a Public Health Orders 20-28 Safer At Home and the Vast, Great Outdoors and Public Health Order 20-31 Face Coverings for Critical Businesses and Mass Transportation. The key amendments to PHO 20-28 require all bars and nightclubs that offer exclusively beverage services to close for in-person service, though they are allowed to remain open for takeaway beverage service. Establishments operating as bars and clubs but that also offer food may remain open at current capacity limits. PHO 20-28 is effect until July 30, 2020.

PHO 20-31 outlines a face covering mandate for all Coloradans providing services in public transportation, critical businesses, and government offices and facilities. All workers in these facilities who come within 6 feet of colleagues or members of the public will be required to wear appropriate face coverings at all times while working, and gloves when engaging in physical contact with either customers or goods. This Order is effective through July 20, 2020.

Finally, effective June 30, professional sports may resume pre-season operations after once the sports associations submit re-opening plans to the CDPHE. The Department has provided guidance for the re-opening plan requirements and operations.

June 30, 2020:

On Monday, Governor Polis issued Executive Order D 2020 122, extending the prior suspension of certain regulations in order to allow food truck operations at rest areas, for the purpose of encouraging commercial trucking operations by providing commercial truck drivers with access to freshly prepared meals. This authorization will expire on July 30, 2020.

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Over the weekend, Governor Polis also extended the temporary suspension of 2020 calendar year filing requirements for business personal property, taxable natural resource property, and taxable oil and gas property. The temporary suspension, originally ordered on April 2, 2020, has been extended through July 28, 2020.

June 29, 2020:

On June 25, Governor Polis extended Executive Orders D 2020 045 and D 2020 080. These orders continue the limited recommencement of elective surgical procedures, which were originally authorized to resume on April 26, 2020. Unless otherwise amended or extended, this limited recommencement will expire July 24, 2020.

June 24, 2020:

The City and County of Denver continues to re-open for in person services following Governor Polis' series of announcements last week, ordering parts of the state into the next phase of Colorado's COVID-19 transition plan. As part of the evolving Safer-at-Home phase, Denver parks and recreation are reopening, beginning with dog parks and playgrounds over the weekend. Additionally, in person marriage and recording services at the Denver Clerk and Recorder will reopen starting July 1.

June 22, 2020:

Over the weekend, Governor Polis amended and extended various pre-existing Executive Orders relating to the home health work force, the elimination of cost sharing for COVID-19 testing and treatment for Medicaid enrollees, the declared state of emergency in Colorado, and the authorization for state agencies to issue emergency rules extending the expiration of dates of licenses and other documents. The following Executive Orders were issued on Saturday, June 20:

- D 2020 108. In addition to extending Executive Order D 2020 077, preserving the protections for Colorado's Medicaid home health workforce and reducing the need for in-person visits, this Order temporarily suspends statutory requirements for cost sharing for COVID-19 testing and treatment for all Medicaid enrollees.
- D 2020 109. This Order extends the previously declared state of emergency in Colorado and provides additional funds to be allocated to pandemic response activities. Specifically, $29,600,000 from the Coronavirus Relief Fund sub-account will be made available to the CDPHE for pandemic response activities for expenses incurred from March 1, 2020 through December 30, 2020.
- D 2020 110 directs the CDPHE to issue a public health order requiring the use of non-medical grade face coverings and gloves, to be worn by all employees, contractors, and others responsible for providing mass transportation operations and critical businesses where employees interact in close proximity with members of the public. Further, this order authorizes the discretion of such operators

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and businesses to deny access or service to members of the public who refuse or fail to wear a face covering.

- D 2020 111 extends the authorization for executive directors of state agencies to promulgate and issue emergency rules in order to suspend or extend the expiration of licenses and other documents. This Order covers the extension of expiration dates of the following certificates, among others:
  - Authorizations to operate for private degree granting higher education institutions, issued by the Colorado Commission on Higher Education under C.R.S. § 23-2-103.3.
  - Controlled Substance Licenses, C.R.S. § 27-80-204.
  - Licenses issued by the Division of Banking for money transmitters under C.R.S. § 11-110-110(1)
  - Health care facilities as listed in C.R.S. § 25-3-101, C.R.S. § 25-3-102.
  - Assisted Living Residence Licenses under C.R.S. § 25-27105(2.5).

The full list of covered licenses and certifications can be found in the original Order, Executive Order D 2020 015. The June 20 Order extends the provisions of Executives Orders D 2020 015, D 2020 042, and D 2020 075 for an additional 30 days, to expire on July 30, 2020 unless otherwise amended or extended.

June 17, 2020:

Governor Polis reiterated the State's commitment to delaying the filing date for state tax returns to July 15, 2020. Executive Order D 2020 105 extends Executive Order D 2020 010, as amended, through which Governor Polis initially extended the State's tax-return deadline to coincide with extended federal filing date of July 15.

June 15, 2020:

Governor Polis implemented new measures over the weekend to mitigate the pandemic's economic fallout on tenants. Landlords and lenders now face additional restrictions on their ability to evict or impose penalties on tenants for the non-payment of rent under Executive Order D 2020 101. Landlords must provide a tenant 30-days notice—instead of the statutory 10 days—of any nonpayment default before taking any action to regain possession of the property. Further, landlords and lenders are prohibited from charging any late fees or penalties for any breach of a lease or rental agreement for any nonpayments occurring between May 1, 2020, through June 13, 2020. The order expires on July 13, 2020.

The State took additional action over the weekend to enable counties to temporarily suspend delinquent interest payments for property taxes. Under HB20-1421, which was signed by Governor Polis on Sunday, counties may reduce, suspend, or altogether waive these delinquent payments. The legislation does not contain a termination date for the authority provided to the counties.

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June 11, 2020:

The City and County of Denver has created a temporary program to allow restaurants, cafes, and similar businesses to expand their operations to include outdoor dining and alcohol sales. The City's Temporary Outdoor Expansions for Restaurants and Bars program ("Program") establishes eligibility requirements, the application process, and the potential scope of these outdoor expansions. The Program is set to expire on September 7, 2020.

Under the Program, the following businesses are eligible for outdoor expansion: restaurants, cafes, fast food outlets, coffee shops, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption.

The outdoor expansions may encompass private property and public rights of way, including sidewalks, street parking spaces, and possibly closing select streets. To obtain access to these outdoor areas, a business must submit an application (application form found here) and obtain any necessary permits for temporary furnishings—fences, patio coverings, and electrical work—or railings to be used in the outdoor space. Further, any expansions onto public rights of way will require an inspection to consider any impacts on safety, mobility in and around the proposed expansion, and emergency access.

The Program also limits the use of any outdoor expansion to sit-down dining or customer pick-up and carry-out services. Businesses cannot allow standing areas for customers, live music, outdoor games, loudspeaker-call systems, pets, or music over speakers. In addition, businesses are not permitted to share an outdoor expansion with another business.

Any business interested in an outdoor expansion should review the Program for additional information concerning the application and permitting processes.

June 9, 2020:

The Colorado Department of Public Health and Environment issued its Sixth Revised Public Health Order on June 5. The order eases some additional restrictions on indoor and outdoor recreational activities and provides additional guidance for employers monitoring worker health. The order remains in effect until July 1.

Under the order, the following "Life rites" and recreational activities and facilities may resume operations:

- Gyms, recreation centers, and indoor pools may reopen at 25% capacity, but not to exceed 50 people.

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- Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained, and provided no gatherings greater than 10 people occur at the start or finish of the event; and
- Life rites, such as wedding ceremonies, graduation ceremonies and funerals, and other religious rites are authorized at 50% capacity not to exceed 50 people indoors—outdoor rites 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.

The order also lists the symptoms that will require an employee to stay home. Those symptoms 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.

June 8, 2020:

The State took another step towards creating a pandemic-adaptive restaurant scene on Friday, June 5. Executive Order D 2020 093 authorizes restaurants and similar businesses to establish communal outdoor dining areas in which two or more liquor licensees may sell alcoholic beverages. These communal dining areas may be established on public rights of way with local government approval. Further, the order directs the Liquor Enforcement Division to act within 24 hours of receiving an application by a licensee to temporarily modify the license to allow alcohol sales within a community dining area. The order remains in effect until June 27.

June 5, 2020:

Governor Polis reiterated the State's commitment to promoting safety through the use of facial coverings in Executive Order D 2020 092. The order authorizes all places of public accommodation (e.g., restaurants, cafes, hotels) to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. The order remains in effect until July 4.

June 3, 2020:

The Colorado Department of Health and Environment ("CDPHE") clarified the restrictions on social and economic activities under the State's Safer at Home and in the Vast, Great Outdoors phase of the pandemic response on Tuesday. The Fifth Amended Public Health Order 20-28 ("PHO") largely carries forward the restrictions on businesses in place prior to June 1, while allowing increased opportunities for Coloradans to recreate and engage in social activities. The PHO remains in effect until July 1.

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The PHO imposes several familiar requirements upon Coloradans. It urges the use of non-medical face coverings in public and continues to prohibit all public and private gatherings in commercial spaces

greater than 10 people, unless specifically exempted. Further, it carries forward the mandate that people at risk of severe illness from COVID-19 cannot be compelled to work for any business.

Under the PHO, Coloradans may pursue the following recreational activities, subject to social distancing restrictions and any activity-specific limitations:

- camping by reservation only;
- visit outdoor swimming pools, which may open at 50% capacity;
- organized recreational youth or adult league sports with no more than 25 players outdoors or 10 players indoors;
- gyms, recreation centers and indoor pools may open, with no more than 10 people per room; and
- outdoor recreational activities (guided hunting and fishing, river outfitters, activities at ski resorts), provided they are approved by the applicable local jurisdiction.

The PHO also adopts numerous measures that will allow some general business activity to resume, while continuing to prohibit others. Restaurants, Critical Businesses, Non-Critical Retail and Office-Based Businesses, Personal Services, Limited Healthcare Settings, and Non-Critical Manufacturing may operate but must largely adhere to the restrictions imposed under the prior iteration of the PHO. Non-Critical Retail and Office-Based Businesses remain subject to 50% operational-capacity restrictions, and restaurants may open to in-person dining at 50% of the indoor posted occupancy code limit, but not to exceed 50 people. In addition, all businesses, subject to certain exceptions, must implement the following measures:

- deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
- maintain 6 foot separation between employees and discourage shared spaces;
- clean and disinfect all high touch areas;
- post signage for employees and customers on good hygiene;
- ensure proper ventilation;
- avoid gatherings of more than 10 people;
- implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible; and
- continue to accommodate people who are at risk of severe illness from COVID-19 who are still under the Stay at Home advisement.

The PHO contains nine appendices that further detail the operational requirements imposed on various sectors of the State's economy. Businesses must be cognizant of those requirements and any additional guidance issued by the CDPHE.

The PHO [illegible]

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- bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, and wineries;
- cigar bars;
- movie and performance theaters except for drive in movie theaters, opera
- houses, concert halls, and music halls; and
- casinos, amusement parks and arcades.

June 2, 2020:

Governor Polis officially transitioned the State to a new phase in the response to the pandemic on Monday. Executive Order D 2020 91, also known as Safer at Home and in the Vast, Great Outdoors, sets the stage for lifting numerous occupancy restrictions placed upon businesses and authorizes the Colorado Department of Health ("CDPHE") to issue a Public Health Order implementing the Order by June 4, 2020. The Order focuses on re-opening the economy, while maintaining social distancing. It remains in effect until June 30.

The Order, however, only broadly indicates the requirements that the CDPHE will adopt in its forthcoming order. Thus, the present limitations on social and economic activity may not be announced until June 4. In general, the Order directs CDPHE to specifically address the following in its order:

- advise Coloradans to limit unnecessary travel and Stay at Home if experiencing flu-like symptoms;
- prohibit gatherings of groups of 10 or more people in public and private commercial spaces (the Order permits CDPHE to exempt certain gatherings);
- continue to require businesses to make reasonable accommodations for Vulnerable Individuals;
- permit Non-Critical Retail to allow people on-site provided the business adheres to the CDPHE's Social Distancing Requirements;
- permit Places of Public Accommodation to offer food and beverage using delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, outside dining, and limited indoor dining, in accordance with mandatory Social Distancing Requirements and cleaning and disinfection protocols;
- require Critical Businesses, Non-Critical Commercial Businesses, and Non-Critical Retail with over 50 employees in any one location screen of symptoms and temperatures, close common areas, adhere to cleaning protocols, and implement mandatory Social Distancing Requirements; and
- identify any businesses, industries, sectors, activities, or events that must remain closed at this time.

May 28, 2020:

The Colorado Department of Health and Environment issued a revised Public Health Order ("PHO") on Wednesday in response to Governor Polis' revision of the State's Stay at Home Order. The PHO clarifies the [illegible] the resumption of day and summer camps, as well as youth-sports leagues. The PHO will expire on June 1.

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The PHO establishes that all outdoor and indoor dine-in services must adhere to a variety of operational requirements, including the following:

- post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms;
- require patrons in different parties to be a minimum of 6 feet apart and spacing tables a minimum of 6 feet to ensure proper distancing;
- limit party size to 8 people or less;
- ensure that all employees must wear facial coverings that cover the nose and mouth; and
- clean and disinfect all shared surfaces between seatings.

Contrary to the State's preliminary guidance for indoor dining, the PHO requires only two additional measures for those services. First, the restaurant must limit service to no more than 50% indoor posted occupancy code limit, or no more than 50 people total, whichever is less. Next, a restaurant must ensure proper ventilation in accordance with OSHA guidance.

May 26, 2020:

Over the Memorial Day weekend, Governor Polis extended the State's disaster emergency until June 21 and the Safer at Home Order to June 1. The Safer at Home Order's extension, however, offers a reprieve for the restaurant industry and its patrons. For the first time since early March, restaurants may resume dine-in services, subject to certain social distancing and health requirements contained in the State's Guidance for Restaurants and Food Services.

Under the revised Safer at Home Order, outdoor and indoor dine-in services may resume on May 27. Any restaurant seeking to re-open must ensure that it consults with its county and local government to maintain compliance with local requirements that may differ from those imposed by the Safer at Home Order. For those restaurants in Denver County, for example, Mayor Hancock stated that Denver "will align with the State's decision . . . to resume limited sit-down service . . . ."

Restaurants may resume outdoor and indoor dine-in services provided they comply with the following general requirements:

- patrons in different parties must be a minimum of 6 feet apart;
- the spacing of tables may need to be 6 feet or more to ensure proper physical distancing between diners from different parties;
- all employees must wear face coverings; and
- disinfect and sanitize all shared surfaces between seatings.

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Indoor dine-in services, however, must operate under additional restrictions, including:

- limiting operations to 50% of the posted occupancy code, but not to exceed 50 patrons;
- ensuring maximum ventilation by opening windows and minimizing air conditioning to the extent possible;
- deep cleaning and disinfecting all shared surfaces between parties/at each turnover; and
- keeping parties together, and not allowing them to mingle with each other.

Governor Polis also moved to provide additional relief for those in the alcohol and marijuana businesses facing permit and license renewals before June 21. Executive Order D 2020 075 extends the expiration dates for the below liquor and marijuana licenses.

The liquor licenses impacted by the order include:

- manufacturer's license;
- limited winery license;
- importer's license;
- nonresident manufacturers license;
- wholesaler license;
- retail liquor store license;
- beer and wine license;
- brew pub license; and
- distillery pub license.

Likewise, the retail-marijuana licenses affected by the order encompass the following:

- retail marijuana store license;
- retail marijuana cultivation facility license;
- retail marijuana products manufacturer license;
- retail marijuana testing facility license; and
- retail marijuana business operator license.

Lastly, the State lifted its prohibition on downhill skiing. Ski resorts may now resume operations subject to strict limitations on recreational and social activities typical of spring skiing.

May 18, 2020:

Governor Polis reiterated the State's commitment to alleviating the economic strain produced by the pandemic and ensuring the protection of those working for critical businesses or performing government functions. Executive Order D 2020 069 extends the existing Executive Orders pushing the filing deadline for [illegible] requirement of

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Executive Order D 2020 039 that all workers at critical businesses wear a non-medical mask covering their nose and mouth while at work through June 15, 2020.

May 12, 2020:

On May 11, Governor Polis provided additional insight into the State's ongoing analysis of when and how to lift the safer-at-home restrictions. The analysis is largely a data-driven assessment involving the following six factors: (1) the level of virus suppression achieved; (2) the ability to test for and contain the virus; (3) the potential for placing vulnerable populations at greater risk; (4) the healthcare system's surge capacity; (5) level of risk versus the social, economic, or psychological reward; and (6) the sustainability of the existing policy.

The Governor estimates that the State will have sufficient data by May 25, to determine if certain ski resorts, restaurants, and summer camps may re-open. The current Safer at Home Order is presently set to expire on May 26.

May 11, 2020:

The Denver metro area officially entered the safer-at-home phase of the State's response to the pandemic on May 9. This phase allows most non-critical businesses to resume in-person operations subject to a variety face-covering, social-distancing, and health-screening requirements. As businesses plan to re-open, it is necessary that they understand these restrictions to avoid enforcement actions, complications with new employee rights, and the coronavirus' spread.

Husch Blackwell's in-depth analysis of the Denver order is available here.

May 10, 2020:

On May 9, 2020, the City and County of Denver entered the safer-at-home phase of the response to the coronavirus pandemic. Governor Polis had issued a Safer-at-Home Order last week, but the City's shut down order, along with other cities in the metropolitan area, had remained in place. As of Saturday, Mayor Hancock issued guidance that, in effect, adopted the state's Safer-at-Home restrictions with the addition of a mandatory mask order discussed below. The City and the State will remain in this safer-at-home phase until at least May 26, 2020.

Governor Polis extended the deadline for filing or remitting State severance taxes on oil, gas, and other minerals to May 15, 2020, through Executive Order D 2020 059. The order extends Executive Order D 2020 033.

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May 9, 2020:

Adams, Arapahoe, Boulder, Broomfield, Denver, and Jefferson counties all stated that they would allow their respective stay-at-home orders to expire this Friday, May 8, 2020. Each county has indicated that it will effectively abide by Governor Polis' April 26, 2020 safer-at-home order.

The City and County of Denver has also issued a "Face Covering Order" that largely incorporates the face-covering requirements for employers found in Public Health Order 20-26 and expands those requirements to the County's residents. Under the order, all members of the public, including children aged three or older, must wear face coverings outside the home or place of residence when: they are inside a commercial or retail business; obtaining healthcare services; or riding or waiting for public transportation. The order will remain in effect until modified or rescinded.

May 5, 2020:

The Colorado Department of Health and Environment issued a revised Public Health Order 20-28 on May 4, 2020, which will remain in effect until May 26, 2020.

The order makes three substantive revisions to the prior public health order. First, it authorizes the immediate opening of Non-Critical Manufacturing businesses. Those business must operate with no more than ten employees in a production environment and require social distancing, among other health measures.

Next, the order expands the options for employers endeavoring to satisfy the order's employee-health-screening requirements. Employers were originally required to establish screening stations at the worksite. Now, employers may elect to adopt a business policy mandating at-home employee self-screening and daily reporting protocols.

Lastly, the order clarifies that indoor malls cannot reopen. Only those stores within indoor malls with exterior entrances may reopen, while retail businesses lacking the exterior-entrance option must settle for conducting business by delivery or curbside delivery services.

Yesterday, Governor Polis also extended Executive Order D 2020 023 to May 20, 2020, which provides a one-month extension for filing and remitting State and State-administered local sales tax.

May 4, 2020:

Governor Polis recently issued two Executive Orders aimed at relieving the tax burdens on Colorado businesses and allowing the operation of food trucks along the State's highways.

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Executive Order D 2020 [illegible] extends Executive Order D 2020 022 another [illegible] days and resets the tax filing [illegible] for business personal property, natural resource property, and oil and gas property to

June 15, 2020.

Executive Order D 2020 056 authorizes the temporary operation of food trucks in the State's rest and commercial trucking refueling areas to support truckers and commercial vehicle activity. The order remains in effect until June 2, 2020.

May 1, 2020:

Governor Polis extended numerous Executive Orders to assist Coloradans as they cope with the continued limitations on business and social contact. The following orders, among others, have been extended:

- Executive Order D 2020 46: Suspending certain statutes to extend the use of telehealth services until May 30, 2020 (see Executive Order D 2020 020);
- Executive Order D 2020 47: Permits the provision of remote notarial services through May 30, 2020 (see Executive Order D 2020 019);
- Executive Order D 2020 48: Allowing the issuance of marriage licenses despite the closure of clerk and recorder offices until May 30, 2020 (see Executive Order D 2020 014);
- Executive Order D 2020 49: Suspending all downhill ski area operations until May 23, 2020 (see Executive Order D 2020 026);
- Executive Order D 2020 51: Preventing lenders, landlords, and property owners from initiating eviction or foreclosure proceedings, denying access to property, or imposing fees for nonpayment through May 30, 2020 (see Executive Order D 2020 031); and
- Executive Order D 2020 52: Ordering the suspension of various statutory requirements to allow alcohol deliveries by restaurant and breweries, online retail marijuana sales, online driver's license renewals, and the "in person" requirements related to the application and issuance of permits to carry concealed handguns, among others, until May 30, 2020 (see Executive Order D 2020 011).

April 28, 2020:

The Colorado Department of Health and Environment released Public Health Order 20-28 ("Order") shortly after Governor Polis officially transitioned the State to a safer-at-home footing. The Order clarifies and implements the mandates of the safer-at-home order and will remain in place until May 26, 2020.

The Order represents a cautious step forward in the reopening process. Although mandated home isolation is no longer in force, Social Distancing Requirements, limited group gatherings of no more than 10 people, forced isolation for the sick, and business closures remain. Further, mandatory temperature and health screenings and protections for Vulnerable Individuals are the new normal for all critical and non-critical businesses.

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Under the Order, the following businesses, with limited exceptions, remain closed to public access: restaurants and cafes, bars and breweries, gyms, movie and performance theaters, and horse tracks.

The Order, however, establishes two new categories of Non-Critical Retail and Non-Critical Office-Based businesses. Those categories essentially encompass all retail and other businesses, except those mentioned above, that do not qualify as Critical Businesses. The list of businesses designated as Critical Businesses largely echoes previous iterations of the designation in Public Health Order 20-24 and its predecessor orders.

On May 1, 2020, Non-Critical Retail may resume retails services under similar delivery and curbside delivery restrictions for existing critical retail businesses, such as restaurants. Shortly thereafter, on May 4, 2020, Non-Critical Office-Based Businesses may resume limited in-person activities with up to 50 percent of their employees. Both categories of businesses must continue to adhere to Social Distancing Requirements, i.e. mandatory six-feet distancing, health monitoring, and other requirements and guidance.

Protection for Vulnerable Individuals also remains paramount under the Order. Vulnerable Individuals—typically older and immunocompromised individuals, as well as pregnant women—cannot be compelled to go to work. Thus, the Order shifts the burden largely to the employer to ensure these populations are not discriminated against and remain protected. Employers must satisfy this obligation by providing remote telecommuting services and ensuring the use of social distancing and sanitization protocols. Further, Employers must meet similar but less stringent requirements for employees with childcare obligations.

April 27, 2020:

On April 26, Governor Polis issued the Safer at Home Executive Order 2020 044. The Order implements measures that will allow many residents to return to work while maintaining a sustainable level of social distancing. The Order encourages vulnerable individuals to stay at home except as necessary for essential activities and critical business operations. The Order provides, however, that vulnerable individuals may not be compelled to perform in-person work for business or government functions, including critical business and critical government functions. The Order also directs employers to accommodate workers with children at home or those who live in the same household as vulnerable individuals by allowing remote work, to the extent possible.

Additionally, under the Order, non-critical businesses may begin operating their businesses with 50% of their employees in-person. Screening, social distancing, and sanitation requirements are imposed on all businesses.

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Per the Order, counties and municipalities may adopt more protective standards.

On April 27, Colorado joined California, Oregon, and Washington, along with Nevada, in the Western State pact to work toward a shared vision for lifting Stay At Home restrictions.

April 24, 2020:

On Thursday afternoon, Governor Polis began Colorado's transition to a "Safer-at-Home" phase of combatting the coronavirus pandemic by extending Executive Order D 2020 015 to May 23, 2020.

Executive Order D 2020 015 authorizes certain state agencies to promulgate and issue emergency rules extending the expiration date for certain licenses and other documents to limit in-person renewals and enable state agencies to better respond to COVID-19. This includes state park passes and licenses for health care facilities, Medicaid and CHIP providers, and commercial drivers.

The City and County of Denver extended its existing stay-at-home order, which consists of the State's Public Health Order 20-24, to May 8, 2020. The City extended the order without any revisions.

April 23, 2020:

On Wednesday, Governor Polis reiterated his commitment to allowing the present stay-at-home order to expire on April 26, 2020. In a press conference yesterday afternoon, Governor Polis stated that Colorado will transition to a "Safer-at-Home" phase of combatting the coronavirus. Although official guidance will be issued in the coming days, the Governor emphasized the new phase would maintain 60-65% physical distancing and likely comprise the following measures:

- Vulnerable populations and older adults must stay home unless absolutely necessary.
- No group gatherings of more than 10 people.
- Critical businesses will remain open with strict precautions (social distancing, masks for all employees, more frequent cleanings, etc.)
- Retail businesses may open for curbside delivery and phased-in public opening with strict precautions.
- Nightclubs, gyms and spas will remain closed.
- Elective medical and dental procedures begin, with strict precautions to ensure adequate personal protective equipment and the ability to meet critical care needs.

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- Personal services (salons, tattoo parlors, dog grooming, personal training, etc.) will open with strict precautions.

- K-12 schools and postsecondary institutions will continue to suspend normal in-person instruction for the 2019-2020 school year.

- Telecommuting continues for offices. Starting on May 4, up to 50% of staff can work in person (with social distancing in place).

- The State is not changing requirements for nursing homes and other senior care facilities. There will continue to be restrictions on visiting residents.

Governor Polis stated that local governments will have the option to impose more restrictive measures, if necessary.

April 21, 2020:

Governor Polis indicated the State's stay-at-home order will likely expire on April 26, 2020. He pointed to recent data suggesting the mandated social distancing is having the intended effect of reducing the number of infections and slowing the virus's spread. While additional details will be forthcoming, Colorado appears to be set for a relaxation of the mandated quarantine, though other restrictions will remain in place.

The City and County of Denver has not clearly stated whether it will lift the City's stay-at-home order, which is set to expire on April 30, 2020. Mayor Hancock, however, indicated the City's present ban on large gatherings and closing certain businesses will likely be extended with some unspecified modifications. The order banning large gatherings will currently expire on May 11, 2020.

April 20, 2020:

The State's latest efforts to battle the economic and health risks posed by the coronavirus focus on the tax relief and the operation of Critical Businesses.

Executive Order D 2020 040 builds upon the State's previous tax-relief measures. It authorizes the extension of all tax filing and payment deadlines occurring between April 15 and July 15, 2020, to July 15, 2020. While the Department of Revenue will promulgate emergency rules to implement this order, taxpayers presently have the option to request the extension. The order remains in effect until May 18, 2020.

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Governor Polis also acted to require the use of face masks and gloves by Critical Businesses late last week. Under Executive Order D 2020 039, those Critical Businesses whose employees work in close proximity to one another or with the general public must now wear medical or non-medical cloth face coverings and, to the extent possible, gloves where the employees are in contact with customers or goods. The order directs the Department of Health and Environment to issue a public health order implementing the new requirements. The order expires on May 17, 2020.

April 10, 2020:

On April 9, 2020, Governor Polis moved to temporarily relieve the economic pressure on oil, gas, and mining companies within the State. Executive Order D 2020 033 extends the April 15, 2020 filing and remittance deadlines for severance taxes on oil and gas and other minerals by one month.

In addition to temporarily the relieving tax burdens on those extractive industries, Governor Polis officially extended the disaster emergency declaration for the State. Under Executive Order D 2020 032, Colorado will remain in state of emergency until at least May 8, 2020.

April 7, 2020:

On April 6, 2020, Governor Polis extended numerous existing Executive Orders issued over the last month to prevent the spread and mitigate impacts of COVID-19. In addition, Governor Polis ordered a one-month extension for the filing and remitting of State and State-administered local taxes to May 20, 2020.

Each of the following Executive Orders are extended and otherwise remain relatively unchanged:

- The State's stay-at-home order, Executive Order D 2020-17, and the corresponding Public Health Order 20-24 are extended to April 26, 2020;
- The orders requiring the closure of all downhill ski areas, Executive Orders D 2020-004 and D 2020-006, are extended to April 30, 2020;
- The order suspending all voluntary or elective surgeries or procedures and requiring the preservation of personal protective equipment, Executive Order D 2020-009, is extended to April 26, 2020:
- The order permitting the issuance of marriage licenses despite the closure of county clerk and recorder offices, Executive Order D 2020-14, is extended to April 30, 2020;
- Executive Order D 2020-11, which suspends various statutory requirements to allow alcohol deliveries by restaurant and breweries, online retail marijuana sales, online driver's license renewals and the "in person" requirements related to the application and issuance of permits to [illegible] extended to April 30, 2020;

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- The order permitting remote notarial services, Executive Order D 2020-019, is extended to April 30, 2020; and
- The limitation on evictions, foreclosures, and utility disconnections established by Executive Order D 2020-012 are extended to April 30, 2020.

April 6, 2020:

The Colorado Department of Labor and Employment revised its emergency rules requiring certain employers to provide employees with up to four days of paid sick leave. The new rules will remain in effect for either 30 days from April 3, 2020, or for up to 120 days provided the State remains in a declared disaster emergency.

The rules apply to employers in the following fields: leisure and hospitality, food services, retail establishments that sell groceries, food and beverage manufacturing, child care, education, home health care, and nursing home or community living facility operations.

Those employers must provide employees exhibiting flu-like symptoms or undergoing COVID-19 testing up to four days of sick leave, which includes paying the employee at his or her regular rate of pay and for the employer's regularly worked hours.

April 3, 2020:

Effective the morning of April 2, the Colorado Department of Public Health and Environment revised the State's stay-at-home order for a third time. The Order increases the restrictions on movement for sick individuals and provides additional guidance on business and business activities prohibited or permitted by the Order's prior iterations.

Under the Order, anyone who is "sick" cannot leave his or her residence, even to work at a Critical Business, unless leaving to obtain medical care. The Order does not specify the type of sickness one must have to be subject to the new restrictions. The previous order already required anyone with COVID like symptoms to shelter in place for a certain period of time under the prior, as well as the present Order, so this may be more expansive than those with COVID symptoms.

The Order also contains the following revisions or clarifications to the definition of Necessary Travel and Critical Business:

- Necessary Travel now includes moving to a new residence.
- Businesses that primarily sell hobby craft supplies are expressly excluded from the following catch-all provision for Critical Retail: "Establishments engaged in the sale of products that support working from home."

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- The revised definition of Critical Services encompasses automobile online sales with no touch delivery service.
- The general maintenance subcategory for Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences is revised to include the maintenance and repair of ordinary household and business appliances. But in-person retail sales of such products remain prohibited.
- Lastly, post-secondary educational institutions may provide in-person classroom or laboratory education for less than 10 students per classroom or lab in medical training fields only.

April 1, 2020:

On March 27, Governor Polis suspended the requirement for conducting notarial services in person and authorized remote notarizations through Executive Order D 20202 019. The Order directs the Secretary of State to promulgate temporary rules for remote notarizations, though the Order does not contain a deadline for issuing those rules. The Order remains in effect until April 17.

March 31, 2020:

The Colorado Department of Public Health and Environment revised its standing Public Health Order imposing stay-at-home restrictions for a second time. The revised order modifies to the definitions of Necessary Travel and Critical Government Functions.

Necessary Travel now includes travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities. The order adds those activities related to federal, state, and local elections and any required acts of a political party to the definition of Critical Government Functions.

March 27, 2020:

Hours after the Colorado Department of Public Health and Environment ("CDPHE") issued a stay-at-home order for Colorado, it issued an Updated Public Health Order 20-24 ("Order") on March 26. The Order is presently in effect and will remain so until April 11.

The Order is identical to the previous iteration except in three respects. First, it adds a thirteenth category to the businesses designated as Critical Business for K-12 and post-secondary educational institutions. Second, legal, title, and appraisal services are now deemed Critical Business. Lastly, the Order clarifies that it supersedes any provisions in a prior public health order allowing noncritical business to continue in-person operations provided they reduce their in-person workforce by fifty percent. [illegible] duration of the Order.

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March 26, 2020:

Governor Polis and the Colorado Department of Public Health and Environment ("CDPHE") issued stay-at-home orders for the entire state of Colorado effective as of 6:00 a.m. MT on March 26, and will remain in effect until midnight on April 11. CDPHE's Public Health Order ("Order") implements the directives outlined in the Governor's Executive Order.

The Order echoes the various stay-at-home orders issued over the past week by several Colorado counties. Under the Order, all Colorado residents must stay at home unless engaging in conduct necessary to provide, support, perform, or operate Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses. All gatherings of any number of people outside the home are similarly prohibited, except where such gatherings fall within four noted travel or activity exemptions. Lastly, the Order requires anyone experiencing COVID-19 symptoms to self-isolate until the symptoms cease or the person obtains a negative test result.

Necessary Activities refer to those activities necessary to support, perform, or operate Critical Businesses or maintain Critical Governmental Functions.

Under the Order, Critical Business comprises the following twelve subcategories of business or business activities: health care operations; critical infrastructure, such as utilities, oil and gas extraction, indigent services, food cultivation; critical manufacturing, such as food processing, medical equipment; critical retail, such as restaurants, for take-out or delivery only, liquor and cannabis stores; critical services; media; financial institutions; providers of basic necessities to economically disadvantaged; construction; defense; critical services necessary to maintain the safety, sanitation and critical operations of residences or other critical businesses; and vendors providing critical services or products, including logistics and technology support, child care and services. The Order does not address or incorporate the Cybersecurity Infrastructure Security Agency's critical sector plans.

Businesses that do not qualify as Critical Business may conduct minimum basic operations, including conducting minimum necessary activities to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or for related functions.

March 25, 2020:

(Pitkin and Boulder Counties): Pitkin County and the City of Boulder joined Denver County in issuing stay-at-home orders for their residents and businesses.

On March 23rd, Pitkin County ordered that all residents shall remain in their places of residence until April [illegible] business or conducting those activities necessary to protect their health, welfare or safety ("Pitkin Order"). All events

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at a place of accommodation comprising 10 or more individuals are prohibited. Further, non-essential businesses must cease all activities at facilities located within the County. Those businesses, however, may continue activities necessary to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or related functions.

Places of accommodation refer to retail stores, bars, taverns, taprooms, tasting rooms, brewpubs, distillery pubs, clubs, cigar bars, coffee houses, restaurants, gymnasiums, movie and performance theaters, concert halls, museums, music halls, and similar establishments.

The Pitkin Order defines essential business to include the following: health care operations, grocery stores, licensed marijuana and liquor stores, banks and related financial institutions, hardware stores, and restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Residential and commercial construction do not qualify as essential business.

The City of Boulder ordered that all residents stay at home except to engage in essential activities or to operate an essential business ("Boulder Order") as of 8:00 a.m. MST on March 26. All non-essential businesses must cease all activities at facilities located within the County, except that they may continue those activities necessary to maintain the value of the business' inventory, ensure security, process payroll and employee benefits, or related functions. The Boulder Order remain in effect until April 17.

The Boulder Order contains similar definitions of essential activities and businesses to those found in the Pitkin Order. It also expressly includes certain catch-all provisions to include those businesses supplying products needed for people to work and learn from home or providing services to other essential businesses or essential infrastructure necessary for their operation. Contrary to the Pitkin Order, residential and commercial construction are deemed essential infrastructure and permitted to continue provided the operations observe social-distancing requirements.

March 24, 2020:

(City and County of Denver): Today at 5:00 PM, the stay-at-home Public Health Order announced March 22nd goes into effect through April 10th. All individuals must shelter in place (i.e., stay at home) except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing. Businesses with facilities in Denver, except essential businesses, must cease all activities at their Denver facilities. Essential businesses are encouraged to remain open and practice physical distancing requirements. All public or private gatherings of any number occurring outside a single household or living unit are prohibited, except for essential activities. All travel, except for essential activities, is prohibited.

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Ess[illegible] (for oneself or for [illegible] health of family or household members), obtaining necessary services or supplies

(including groceries), outdoor activity, and work at an essential business.

Essential businesses and infrastructure include healthcare operations, utilities, construction operations, skilled trades, airport operations, oil and gas operations, roads and highways maintenance, public transportation, solid waste collection, telecommunications, grocery stores, food and plant cultivation (including farming, livestock, and fishing), homeless shelters, media, fuel stations and auto-repair, banks, hardware stores, mailing and shipping services, educational institutions, laundromats, restaurants operating on a carry-out/drive-thru/delivery basis, grocery delivery services, licensed marijuana stores, transportation companies, home-based care services, hotels/motels, professional services (including legal, insurance, accounting, real estate, and tax), faith-based establishments, and childcare facilities.

March 23, 2020:

(City and County of Denver): Mayor Michael B. Hancock today announced a new Public Health Order with an explicit stay at home directive for the City and County of Denver that will go into effect at 5 p.m. on Tuesday, March 24 and continue until April 10. All individuals must shelter in place (i.e., stay at home) except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing. Businesses with facilities in Denver, except essential businesses, must cease all activities at their Denver facilities. Essential businesses are encouraged to remain open and practice physical distancing requirements. All public or private gatherings of any number occurring outside a single household or living unit are prohibited, except for essential activities. All travel, except for essential activities, is prohibited.

Essential activities are defined to include activities essential to personal health or safety (for oneself or for the safety and health of family or household members), obtaining necessary services or supplies (including groceries), outdoor activity, and work at an essential business.

Essential businesses and infrastructure include healthcare operations, utilities, construction operations, skilled trades, airport operations, oil and gas operations, roads and highways maintenance, public transportation, solid waste collection, telecommunications, grocery stores, food and plant cultivation (including farming, livestock, and fishing), homeless shelters, media, fuel stations and auto-repair, banks, hardware stores, mailing and shipping services, educational institutions, laundromats, restaurants operating on a carry-out/drive-thru/delivery basis, grocery delivery services, licensed marijuana stores, transportation companies, home-based care services, hotels/motels, professional services (including legal, insurance, accounting, real estate, and tax), faith-based establishments, and childcare facilities.

March 22, 2020:

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Governor Polis issued an executive order directing all of Colorado's non-critical employers to reduce their in-person workforce by 50 percent. The order takes effect Tuesday, March 24, 2020, and is

applicable statewide through April 10, 2020. A related public health order from the Colorado Department of Health and Environment is forthcoming, although interim guidance accompanied the Governor's executive order.

The order directs all employers to implement tele-work options to the greatest extent possible. If tele-work is not practical or possible, employers are encouraged to stagger work schedules to reduce the proximity of employees during work hours and to keep employees on payroll. The order does not apply to any employer that can certify that employees are no closer than six feet from one another during any part of their work hours.

Exempt critical workplaces include health care operations, critical Infrastructure (including utilities, fuel supply and transmission, public water, telecommunications, transportation, hotels, organizations that provide for disadvantaged people, and food supply chain), critical manufacturing, including food, beverages, chemicals, medical equipment, pharmaceuticals, sanitary products, agriculture), critical retail (including grocery stores, liquor stores, farms, gas stations, restaurants and bars for takeout, marijuana dispensaries but only for medical or curbside delivery, hardware stores), critical services (including trash and recycling, mail, shipping, laundromats, child care, building cleaning and maintenance, auto supply and repair, warehouses/distribution, funeral homes, crematoriums, cemeteries, animal shelters and rescues), news media, financial institutions, construction, defense, public safety, critical services/products vendors (including logistics, child care, tech support, or contractors with critical government services), and critical government functions.

March 12, 2020:

The Colorado Department of Public Health and Environment issued a public health order (# 20-20) restricting the visitation of non-essential individuals to licensed or certified skilled nursing facilities, intermediate care facilities, and assisted living residences. Essential personnel are subject to strict screening requirements, which must be documented.

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