

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 20-cv-1480-RM-MEH

HIGH PLAINS HARVEST CHURCH; and
MARK HOTALING,

Plaintiffs,

v.

JARED POLIS, in his official capacity as Governor of the State of Colorado; and
JILL HUNSAKER RYAN, in her official capacity as Executive Director of the Colorado
Department of Public Health and Environment,

Defendants.

VERIFIED FIRST AMENDED COMPLAINT

Plaintiffs submit the following Verified First Amended Complaint:

I. AUTHORITY FOR AMENDMENT

1. Federal Rule of Civil Procedure 15(a)(a) provides that a party may amend its pleading once as a matter of course within 21 days after serving it. Service in this matter was accomplished on May 27, 2020. This First Amended Complaint is filed within 21 days of May 27, 2020.

II. *SOUTH BAY UNITED PENTECOSTAL CHURCH V. NEWSOM*

2. Plaintiffs filed their original Complaint on May 25, 2020. In that Complaint Plaintiffs alleged that the State had violated their rights under the First Amendment because the government orders in place at the time burdened Plaintiffs' sincerely held religious beliefs while at the same time setting up a pervasive system of individualized exemptions that

permitted other similarly situated businesses or non-religious entities (such as grocery stores; produce stands; gas stations; convenience stores; marijuana dispensaries; liquor stores; gun stores; funeral homes, airlines, mining operations, hardware stores; laundromats; banks; law offices; and accounting offices) to continue operations while prohibiting faith-based gatherings, such as Plaintiffs' church and religious gatherings, from operating.

3. Four days later, on May 29, 2020, the United States Supreme Court entered an order in *South Bay United Pentecostal Church v Newsom*, WL 2813056 (U.S. 2020), in which the Court denied an application for preliminary injunctive relief in a California case in which the plaintiffs made claims similar to the claims Plaintiffs made in their May 25 Complaint.

4. Accordingly, on May 30, 2020 Plaintiffs withdrew their then pending motion for temporary restraining order and preliminary injunction.

5. In his concurrence in that order Chief Justice Roberts wrote that denial of preliminary injunctive relief was appropriate because

[a]lthough California's guidelines place restrictions on places of worship, those restrictions appear consistent with the Free Exercise Clause of the First Amendment. Similar or more severe restrictions apply to comparable secular gatherings, including lectures, concerts, movie showings, spectator sports, and theatrical performances, where large groups of people gather in close proximity for extended periods of time.

Id.

6. Thus, the key to the Court's decision, at least according to the Chief Justice, was that California was treating religious gatherings in a way that was comparable to "comparable secular gatherings," such as lectures concerts, movies, spectator sports, etc.

7. After Plaintiffs withdrew their motion for preliminary relief the factual landscape shifted dramatically. In the days that followed thousands of protesters gathered in

Denver and other cities in Colorado. These thousands of protesters marched and stood shoulder-to-shoulder for hours on end, all the while ignoring any semblance of social distancing. Some of these protests occurred literally outside of Governor Polis’s office at the Colorado Capitol Building. Far from prohibiting these gatherings – which from an epidemiological perspective were far more intense than any religious service – Governor Polis and Director Ryan permitted and even encouraged the gatherings.

8. Any argument that the State may have had that it was treating religious gatherings in a way that was comparable to “comparable secular gatherings” evaporated when Defendants permitted and encouraged these protest gatherings while continuing to impose draconian restrictions on religious gatherings.

9. Accordingly, Plaintiffs are filing this First Amended Complaint and renewing their request for a temporary restraining order and preliminary injunction.

III. INTRODUCTION

10. This is an image from a recent protest literally outside of Governor Polis's office at the Colorado State Capitol Building:



11. Today in Colorado it is perfectly legal for thousands of protesters to march and stand shoulder-to-shoulder for hours on end, all the while ignoring any semblance of social distancing, assuming, apparently, the message of the protest is one approved by Governor Polis and Director Ryan. But if more than 50 people meet to worship God in a small rural church, they do so at the risk of being fined and imprisoned. Plaintiffs call upon the Court to come to their aid, vindicate their religious liberties, free speech rights and associational rights under the First Amendment to the United States Constitution, and remedy the surreal state of affairs in which they inexplicably find themselves.

IV. PARTIES

12. High Plains Harvest Church (“HPHC” or the “Church”) is a small church located at 108 1st Street, Ault, Colorado 80610. HPHC is a religious nonprofit organization. HPHC brings this action on its member’s behalf. HPHC has associational standing because (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to its purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. Each of HPHC’s members would have standing to assert claims for breach of their constitutional rights as set forth herein. The interest HPHC seeks to protect, especially the interest in the free exercise of religion, is germane to HPHC’s purpose. The claims asserted herein do not require the participation of individual members. HPHC seeks a declaration, injunction, and other prospective relief, and it can reasonably be supposed that the remedies, if granted, will inure to the benefit of those members of HPHC actually injured.

13. Plaintiff Mark Hotaling (“Hotaling”) is a resident of Colorado.

14. Defendant Jared Polis (“Governor Polis”) is the Governor of Colorado. Governor Polis is sued in his official capacity only. All of Governor Polis’s actions described herein were taken under color of law.

15. Defendant Jill Hunsaker Ryan (“Director Ryan”) is the Executive Director of the Colorado Department of Public Health and Environment. Director Ryan is sued in her official capacity only. All of Director Ryan’s actions described herein were taken under color of law.

V. JURISDICTION AND VENUE

16. This action arises under the Constitution and laws of the United States, and is brought pursuant to Title 42 U.S.C. § 1983.

17. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343.

18. The Court may declare the legal rights and obligations of the parties in this action pursuant to 28 U.S.C. § 2201 because the action presents an actual controversy within the Court's jurisdiction.

19. Jurisdiction supporting Plaintiffs' claim for attorney's fees and costs is conferred by 42 U.S.C. § 1988.

20. Venue is proper in the District of Colorado pursuant to 28 U.S.C. § 1391(b). All of the events alleged herein occurred within the State of Colorado (the "State"), and all of the parties were residents of the State at the time of the events giving rise to this litigation.

VI. FACTUAL BACKGROUND

21. HPHC's vision is to be a Christ-centered, rural, regional church that makes a genuine difference in the hearts of people throughout northern Colorado. The Church seeks to create an environment where each person is: cultivating daily, life-changing intimacy with the Savior; experiencing biblical community with others in the body of Christ; using their time, talents, and treasures to further God's kingdom; engaging in intentional discipleship and ministry; and bringing the Gospel into their sphere of influence with word and action.

22. Hotaling is a former Navy SEAL and a service-disabled veteran. After returning home from the Navy, Hotaling followed the Lord's call to serve Him full-time. Hotaling is a devout Christian and a pastor in the Church. Until the recent COVID-19 outbreak, Hotaling frequently attended and/or led services at the Church. He typically attended and/or led three to

four services and/or other religious gatherings per week. Hotaling has a sincerely held religious belief that in-person attendance at church is central to his faith.

23. In response to the presence of COVID-19 in Colorado, on June 1, 2020, Governor Polis issued his so-called “Safer at Home and in the Vast, Great Outdoors” order, Executive Order, D 2020 091 (the “Executive Order”). A copy of the Executive Order is attached as Exhibit A.

24. In the Executive Order Governor Polis directed Director Ryan to issue a public health order to: “Prohibit public gatherings of groups of ten (10) persons in both public and private commercial spaces unless gatherings of groups greater than ten (10) persons are expressly authorized by this Executive Order or an associated PHO.”

25. In accordance with the Executive Order, on June 5, 2020 Director Ryan issued her Sixth Amended Public Health Order 20-28 Safer at Home and in the Vast, Great Outdoors (the “PHO”). A copy of the PHO is attached as Exhibit B.

26. The PHO prohibits all public and private gatherings greater than ten individuals except for “Necessary Activities.” PHO I. C. There is no numerical limit on the number of persons who may be present when “Necessary Activities” are conducted. Religious worship services are not considered Necessary Activities under the PHO.

27. “Necessary Activities” do include activities associated with “Critical Businesses.” PHO III. A. 4. “Critical Businesses” are listed in Appendix F to the PHO.

28. The PHO permits “houses of worship” to open so long as the number of worshipers in attendance does not 50% of the posted occupancy limit or 50 people, whichever is **lower**.

29. The PHO states that it “will be enforced by all appropriate legal means,” and that “[f]ailure to comply with this order could result in penalties, including jail time, and fines . . .”

PHO, VI. A previous version of the PHO invoked the authority of C.R.S. § 25-1-114 to impose criminal penalties.

30. Director Ryan has also issued “Guidance for Places of Worship” to implement the Executive Order (the “Guidance”). A copy of the Guidance is attached as Exhibit C.

31. The Executive Order, the PHO and the Guidance shall be referred to herein collectively as the “Orders.”

32. Beginning after May 25, 2020 and continuing through the present time, thousands of protesters have gathered in Denver, including prominent protests in front of the Colorado State Capitol Building.

33. The protestors have stood literally shoulder-to-shoulder while they shouted in unison.

34. The protestors have ignored even a pretense of social distancing.

35. One need not be an epidemiologist to know that these gatherings were epidemiologically far more intense than any religious service. This conclusion is common sense.

36. Governor Polis has not only permitted these protests to occur, he has actively encouraged them.

37. Director Ryan has not only permitted these protests to occur, she has actively encouraged them.

38. At the same time they are permitting and encouraging these gatherings of thousands, Defendants continue to limit gatherings for worship services to 50 people.

39. The Bible commands Christians not to forsake the gathering together of believers. Hebrews 10:24-25. In-person corporate worship is a fundamental tenet of Christian practice and has been for nearly 2,000 years.

40. HPHC and its members, including Hotaling, have a sincerely held religious belief that the physical corporate gathering of believers is a central element of religious worship commanded by the Lord.

41. It is a substantial burden on the religious exercise of HPHC and its members, including Hotaling, if they cannot meet for in-person corporate worship as a body of believers in numbers greater than 50.

42. HPHC in furtherance of the sincerely held religious beliefs of its members, desires to recommence in-person worship services in numbers greater than 50. The capacity of the church's sanctuary is approximately 150.

43. In all services, HPHC and Hotaling will following CDC guidelines for faith communities. *See Centers for Disease Control and Prevention Interim Guidance for Communities of Faith*, including:

- Encouraging staff and congregants to maintain good hand hygiene
- Encouraging use of cloth face coverings among staff and congregants
- Cleaning and disinfecting frequently touched surfaces at least daily and shared objects in between uses
- Promoting social distancing at services and other gatherings, ensuring that clergy, staff, choir, volunteers and attendees at the services follow social distancing throughout services

44. Hotaling and HPHC also intend to follow the social distancing standards set forth in Director Ryan’s Guidance.

45. To the best of Hotaling’s knowledge, no member of HPHC has COVID-19.

46. The Church and Hotaling reasonably fear prosecution, including fines, arrest, and jail, if they proceed with this plan to meet for in-person corporate worship in a group of more than ten worshipers.

47. Governor Polis and Director Ryan have actively enforced the Orders and declared their intention to continue to do so.

VII. FIRST CLAIM FOR RELIEF
42 U.S.C. § 1983 – Violation of First Amendment Freedom of Religion

48. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

49. The Free Exercise Clause of the First Amendment to the United States Constitution, as applied to the states by the Fourteenth Amendment, prohibits the State from abridging Plaintiffs’ rights to free exercise of religion.

50. Plaintiffs have sincerely held religious beliefs that the Bible is the infallible, inerrant word of the Lord Jesus Christ and they are to follow its teachings.

51. Plaintiffs have sincerely held religious beliefs, rooted in Scripture’s commands (e.g., Hebrews 10:25), that followers of Jesus Christ are not to forsake the assembling of themselves together, and that they are to do so even more in times of peril and crisis. Indeed, the entire purpose of the Church (in Greek “*ekklesia*,” meaning “assembly”) is to assemble together Christians to worship Almighty God.

52. The Orders, as applied, impermissibly burden Plaintiffs’ sincerely held religious beliefs, compel Plaintiffs to either change those beliefs or to act in contradiction to them, and

force Plaintiffs to choose between the teachings and requirements of their sincerely held religious beliefs in the commands of scripture and the State's regulations.

53. The Orders, as applied, are neither neutral nor generally applicable, but rather discriminate against the religious beliefs, speech, assembly, and viewpoint of Plaintiffs.

54. The State lacks a compelling, legitimate, or rational interest in the Orders' application of different standards for churches and faith-based gatherings than those applicable to similar or even more intensive secular gatherings such as the protests that have been permitted and encouraged by Defendants.

55. Even if the Orders' restriction on faith-based gatherings were supported by a compelling interest, they are not the least restrictive means to accomplish the government's purported interest.

56. The Orders, as applied, fail to accommodate Plaintiffs' sincerely held religious beliefs.

57. The Orders, as applied, burden Plaintiffs' sincerely held religious beliefs while at the same time setting up a pervasive system of individualized exemptions that permit other similarly situated businesses or non-religious entities to continue operations while prohibiting faith-based gatherings, such as Plaintiffs' church and religious gatherings, from operating.

58. The Orders, as applied, burden Plaintiffs' sincerely held religious beliefs while at the State has permitted and encouraged similar or even more intensive secular gatherings of thousands while prohibiting faith-based gatherings, such as Plaintiffs' church and religious gatherings, from operating in numbers greater than 50.

59. The Orders, as applied, have caused, are causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual and undue hardship.

60. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their liberties.

61. Plaintiffs respectfully pray for the relief against the State as hereinafter set forth in their prayer for relief.

VIII. SECOND CLAIM FOR RELIEF
42 U.S.C. § 1983 – Violation of First Amendment Free Speech Rights

62. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

63. The Orders violate Plaintiffs’ freedom of speech by prohibiting them from engaging in religious speech through their church services which occur exclusively on private property.

64. The Orders give government officials unbridled discretion with respect to enforcement of the Orders and the imposition of any penalty, making the Orders susceptible to both content- and viewpoint-based discrimination.

65. The government has abused its discretion by permitting secular gatherings of thousands to engage in officially approved speech while at the same time prohibiting religious gatherings greater than 50 people to engage in non-officially approved speech.

66. The State’s discrimination against Plaintiffs’ religious speech does not serve any legitimate, rational, substantial, or compelling governmental interest.

67. The State has alternative, less restrictive means to achieve any interest that it might have.

68. The Orders violate the Free Speech Clause of the First Amendment to the United States Constitution, as applied.

69. In the absence of declaratory and injunctive relief, Plaintiffs will be irreparably harmed.

70. Plaintiffs respectfully pray for the relief against the State as hereinafter set forth in their prayer for relief.

IX. THIRD CLAIM FOR RELIEF

42 U.S.C. § 1983 – Violation of First Amendment Freedom of Association/Assembly

71. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

72. The First Amendment prohibits the State from violating Plaintiffs’ right to peaceably assemble.

73. The Orders, as applied, violates Plaintiffs’ right to peaceably assemble because the ban on in-person services greater than 50 (while allowing more intense secular gatherings in the thousands) does not serve any legitimate, rational, substantial, or compelling governmental interest.

74. In addition, the State has alternative, less restrictive means to achieve any interest that it might have.

75. The Orders violate the right to assemble under the First Amendment to the United States Constitution, as applied.

76. In the absence of declaratory and injunctive relief, Plaintiffs will be irreparably harmed.

77. Plaintiffs respectfully pray for the relief against the State as hereinafter set forth in their prayer for relief.

X. FOURTH CLAIM FOR RELIEF
42 U.S.C. § 1983 – Violation of Right to
Equal Protection Under the Fourteenth Amendment

78. Plaintiffs hereby incorporate all other paragraphs of this Complaint as if fully set forth herein.

79. The Fourteenth Amendment to the United States Constitution guarantees Plaintiffs the right to equal protection under the law.

80. The Orders, as applied, are an unconstitutional abridgment of Plaintiffs' right to equal protection because in the Orders the State treats Plaintiffs differently from other similarly situated secular gatherings on the basis of the exercise of their fundamental rights.

81. The Orders, as applied, impermissibly discriminate between non-religious gatherings and religious or faith-based gatherings.

82. The State lacks a compelling, legitimate, or rational interest in the Orders' application of different standards for churches and faith-based gatherings than those applicable to non-religious gatherings.

83. The Orders, as applied, are not the least restrictive means to accomplish any permissible government purpose sought to be served.

84. The Orders, as applied, do not have a rational basis.

85. The Orders, as applied, are irrational and unjustifiable and impose irrational and unjustifiable restrictions on Plaintiffs' religious or faith-based gatherings.

86. The Orders, as applied, have caused, are causing, and will continue to cause Plaintiffs immediate and irreparable harm, and actual and undue hardship.

87. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their most cherished liberties.

88. Plaintiffs respectfully pray for the relief against the State as hereinafter set forth in their prayer for relief.

XI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

A. That the Court issue a Temporary Restraining Order restraining and enjoining Governor Polis, Director Ryan and all persons in active concert or participation with them, from enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with the Orders or any other order to the extent any such order prohibits in-person services at the Church greater than 50.

B. That the Court issue a Preliminary Injunction pending trial, and a Permanent Injunction upon judgment, restraining and enjoining Governor Polis, Director Ryan and all persons in active concert or participation with them, from enforcing, attempting to enforce, threatening to enforce, or otherwise requiring compliance with the Orders or any other order to the extent any such order prohibits in-person services at the Church greater than 50.

C. That the Court render a Declaratory Judgment declaring that the Orders as applied by the State are unconstitutional under the United States Constitution and further declaring that the State has violated Plaintiffs' rights to free exercise of religion, right to equal protection of the laws, right to assembly and right to free speech.

D. That the Court declare Plaintiffs are prevailing parties and award Plaintiffs the reasonable costs and expenses of this action, including a reasonable attorney's fee, in accordance with 42 U.S.C. § 1988.

E. That the Court grant such other and further relief as the Court deems equitable and just under the circumstances.

/s/ Barry K. Arrington

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Attorney for Plaintiffs

VERIFICATION

I, Mark Hotaling, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that I have reviewed the foregoing Complaint, that I am competent to testify in this matter, that the facts contained therein are true and correct, and such allegations are based on information personally known and observed by me.

Executed on June 10, 2020



Mark Hotaling

/s/ Barry K. Arrington

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Arrington Law Firm
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Suite 830
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Email: barry@arringtonpc.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2020, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via email to the following parties of record:

Natalie Hanlon Leh
Eric R. Olson
W. Eric Kuhn
Emily B. Buckley
Ryan K. Lorch
Office of the Colorado Attorney General
Ralph L. Carr Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203

/s/ Barry K. Arrington

Barry K. Arrington

JARED POLIS
GOVERNOR



136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 091

EXECUTIVE ORDER

Safer at Home and in the Vast, Great Outdoors

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

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

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

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

While we have seen indications that our efforts to "flatten the curve" are working, increased transmission of the virus, and the resulting strains on our healthcare resources, continue to threaten Coloradans' way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice Social Distancing from others at a high level

and implement other measures, such as limiting our social interactions, extra precautions for Vulnerable Individuals, and wearing non-medical masks while in public to facilitate reopening the economy while we protect public health. As we move forward, the State continues to monitor the spread of COVID-19, increase our testing and tracing capabilities, and consider additional precautions as we learn more about the novel coronavirus and its effects on human health.

Colorado has millions of acres of accessible federal land, municipal parks, State parks, State and county open space, and other accessible areas that allow for stronger Social Distancing in our great outdoor areas. Coloradans should Stay at Home or in the great outdoors away from others as much as possible and continue to limit social interactions, remain at least six (6) feet from others not in their household, and wear non-medical facial coverings in public.

This Executive Order implements a number of measures that will allow many Coloradans to return to work and recreation in the great outdoors while we maintain a sustainable level of Social Distancing. Any business or activity not addressed in this Executive Order or any accompanying Public Health Order (PHO) may operate in accordance with general guidance from CDPHE concerning group limitations, Social Distancing Requirements, and sanitation and cleaning protocols.

II. Directives

- A. All Vulnerable Individuals should Stay at Home or in the vast, great outdoors away from others as much as possible, and continue to limit their social interactions, remain at least six (6) feet from others not in their household, and wear facial coverings in public. Vulnerable Individuals cannot be compelled to perform in-person work for any business or government function, including a Critical Business or Critical Government Function.
- B. For purposes of this Executive Order, Vulnerable Individuals means:
 - 1. Individuals who are sixty-five (65) years and older;
 - 2. Individuals with chronic lung disease or moderate to severe asthma;
 - 3. Individuals who have serious heart conditions;
 - 4. Individuals who are immunocompromised;
 - 5. Pregnant women; and
 - 6. Individuals determined to be high risk by a licensed healthcare provider.
- C. I direct the Executive Director of the Colorado Department of Higher Education (CDHE) to continue to work with CDPHE to identify those programs and courses at postsecondary institutions that cannot be taught remotely and require limited in-person instruction.

-
- D. I direct the Colorado Civil Rights Division within the Department of Regulatory Agencies and CDPHE to provide continued guidance to prevent discrimination in the workplace related to COVID-19. Employers must provide reasonable accommodation and are prohibited from discriminating against employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.
- E. I direct the Executive Director of CDPHE to issue a new or amended PHO consistent with the directives in this Executive Order. The new or amended PHO must:
1. Advise Coloradans to:
 - i. Limit social interactions to the greatest extent possible;
 - ii. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions;
 - iii. Get tested for COVID-19 if they are experiencing flu-like symptoms or if they are sick, Stay at Home until at least three (3) days after the fever and last symptom subsides, except as necessary to care for themselves or seek medical care. Coloradans who are sick and receive negative COVID-19 test results may resume activities as soon as they feel ready; and
 - iv. Take other common-sense precautions against spreading and contracting COVID-19 such as maintaining six (6) feet of Social Distancing from others not in their household, wearing non-medical face coverings that cover the nose and mouth while in public, and frequent hand washing.
 2. Prohibit public gatherings of groups of ten (10) persons in both public and private commercial spaces unless gatherings of groups greater than ten (10) persons are expressly authorized by this Executive Order or an associated PHO.
 3. Strongly encourage all businesses and governmental entities to allow workers to telecommute whenever possible.
 4. Require all Critical Businesses, Critical Government Functions, Non-Critical Retail, and Non-Critical Commercial Businesses to make work accommodations for Vulnerable Individuals. Employers are also encouraged to make accommodations for individuals living in the same household as a Vulnerable Individual and for individuals with childcare responsibilities.
 5. Permit Non-Critical Retail to operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, and permit Non-Critical Retail to allow customers onto their

premises in a manner allowing for strict compliance with mandatory Social Distancing Requirements similar to the requirements for Critical Retail and cleaning and disinfection protocols. If a Non-Critical Retail entity experiences a COVID-19 case, they should fully cooperate with requirements of local public health officials.

6. 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, limited indoor dining, or any other manner set forth in an existing Executive Order or PHO and in accordance with mandatory Social Distancing Requirements and cleaning and disinfection protocols. If a Place of Public Accommodation experiences a COVID-19 case, they should fully cooperate with requirements of local public health officials.
 7. Ensure that Critical Businesses, Critical Government Functions, Non-Critical Commercial Businesses, and Non-Critical Retail with over fifty (50) employees in any one location follow protocols established by PHO, including but not limited to symptom screening and temperature check, closure of common areas, cleaning protocols, and mandatory Social Distancing Requirements.
 8. CDPHE must specifically identify any businesses, industries, sectors, activities, or events that must remain closed at this time.
 9. Any business or activity not addressed in this Executive Order or any accompanying PHO may operate in accordance with general guidance from CDPHE concerning group limitations, Social Distancing Requirements, and sanitation and cleaning protocols.
- F. Any new or amended PHO issued pursuant to this Executive Order must identify or develop:
1. Mandatory Social Distancing Requirements to be implemented by all employers, identifying any specific protocols for certain employers based on the nature of their work, including proper face and, if appropriate, hand coverings to be used;
 2. A definition of Vulnerable Individual consistent with this Executive Order;
 3. Operations requirements for Non-Critical Retail and Critical Retail;
 4. Appropriate guidelines for classes and programs identified in consultation with the Executive Director of CDHE pursuant to paragraph II.C.;
 5. Guidance governing restaurants, personal services, childcare, houses of worship, life cycle events, short-term rentals, summer camps, team sports, State parks, and personal and outdoor recreation activities. CDPHE may authorize public

gatherings of groups in these settings that exceed the limits in paragraph II.E.2., above, if justified by public health conditions; and

6. Define mandatory Social Distancing Requirements and sanitation and cleaning protocols for all businesses and government functions.
- G. I direct the Executive Director of the Colorado Department of Labor and Employment (CDLE) to continue to modify temporary emergency rules to amend the Colorado Health Emergency Leave with Pay Rules found in 7 CCR 1103-10 to cover individuals returning to work under this Executive Order and to extend paid sick leave coverage to up to two-thirds pay for fourteen (14) days if a worker has tested positive for COVID-19, has COVID-like symptoms, or has been directed to quarantine or isolation due to COVID-19 concerns.
- H. I direct the Executive Director of CDLE to continue to modify temporary emergency rules pursuant to C.R.S. § 8-73-108(4)(c) and guidance to ensure that workers, and particularly workers who are Vulnerable Individuals, are not in danger of losing unemployment insurance eligibility for refusal to return to COVID-19-related demonstrable, unsafe working conditions.
- I. Terms in this Executive Order, including Stay at Home, Necessary Activities, Minimum Basic Operations, Critical Government Functions, Necessary Travel, Critical Businesses, Places of Public Accommodation, Critical Retail, Social Distancing Requirements, and Vulnerable Individuals have the meaning as defined in PHO 20-28, as amended, or any PHO issued pursuant to this Executive Order.
- J. Any county wishing to apply for a local variance from part or all of this Executive Order must submit a written application to CDPHE. CDPHE shall define any criteria required for approval of a local variance.
- K. CDPHE shall review and approve a county-specific COVID-19 suppression plan that meets CDPHE's public health standards. CDPHE shall not provide COVID-19 preparedness grant funding to any county that implements measures that are less restrictive than the standards contained in this Executive Order if the county did not first obtain approval from CDPHE to adopt such less restrictive standards.
- L. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order as necessary.
- M. Except as modified by this Executive Order, all Executive Orders issued due to COVID-19 that are currently in effect shall remain in full force and effect as originally promulgated.

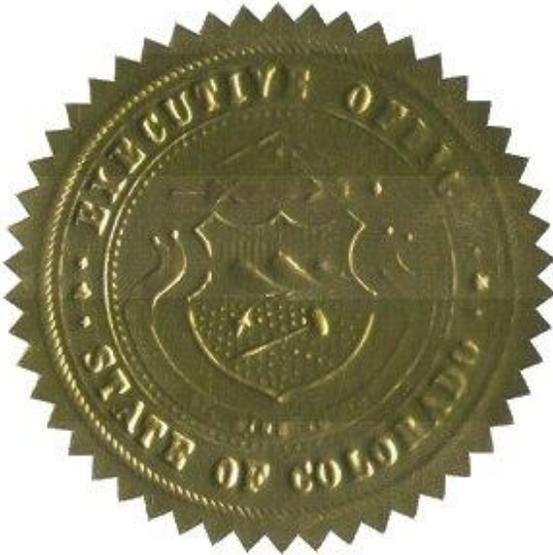
Executive Order D 2020 091

June 1, 2020

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III. Duration

This Executive Order shall expire thirty (30) days from June 1, 2020, unless extended further by Executive Order.



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

A handwritten signature in blue ink that reads "Jared Polis". The signature is fluid and cursive, written over a light grey rectangular background.

Jared Polis
Governor



COLORADO
Department of Public
Health & Environment

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

June 5, 2020

PURPOSE OF THE ORDER

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

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; closing bars and restaurants to in-person services; defining the terms of the Governor's stay at home requirements and critical business designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of June 1, 2020, there are 26,577 known cases of COVID-19 in Colorado, 4,372 Coloradans have been hospitalized and 1185 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of healthcare due to COVID-19

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have leveled off in Colorado. Our work to “flatten the curve” appears to be succeeding, and the Governor has ordered some lessening of the current Safer at Home restrictions as a result.

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

INTENT

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

ORDER

Unless otherwise specifically noted in this Order, the requirements of this Order are effective June 1, 2020 and expire 30 days from June 1, 2020. This Order supersedes and replaces Public Health Orders 20-22 and 20-24, as amended.

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

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

B. Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091**.

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

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

E. Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19, and must self-isolate until their symptoms cease or until they have a negative test result. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they have had no fever for at least seventy-two (72) hours (that is three full days of no fever without the use of medicine that reduces fevers), other symptoms have improved (such as cough or shortness of breath), and at least ten (10) days have passed since symptoms first appeared. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.

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

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

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

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

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

a. Playgrounds and outdoor sports facilities, such as tennis and pickleball courts, may be open for use for no more than 25 people at a time. High touch areas should be cleaned and disinfected frequently.

b. Outdoor swimming pools may open at 50% capacity, limited to no more than 50 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.

c. Organized recreational youth or adult league sports may resume activities with no more than 25 players outdoors or 10 players indoors. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are strongly discouraged for adult sports. The sports league must retain records of who played in case later disease outbreak investigations become necessary.

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

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

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

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

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

1. Gatherings or events of more than 10 people that are not otherwise authorized in this Order;

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2. Adult and youth sports tournaments that attract crowds or travelers;
3. Rodeos, fairs, festivals, and parades;
4. Receptions for more than 10 people; and
5. Car, motorcycle or horse races unless there are no spectators and race personnel maintain 6 feet distancing as much as possible; and
6. Sporting events except for recreational sports leagues as authorized in Section I.H.2.c of this Order.

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

II. Business Requirements

Any business or activity not addressed in **Executive Order D 2020 091**, this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals in accordance with the requirements in Section II.I of this Order.

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

1. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption unless the establishment ensures access to food from a licensed retail food establishment for on-premise consumption;
2. Cigar bars;
3. Movie and performance theaters except for drive in movie theaters, opera houses, concert halls, and music halls; and
4. Casinos, amusement parks and arcades.

These restrictions do not apply to any of the following:

1. Room service in hotels;
2. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
3. Crisis shelters or similar institutions;
4. Airport concessionaires;

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5. Institutions of higher education offering dining hall services located in or adjacent to campus dormitories that are accessed through student, staff, faculty, or campus associated identification, as well as grab and go food services within these institutions, while exercising social distancing measures of at least six feet between individuals; and
6. Any emergency facilities necessary for the response to these events.

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

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

1. Effective May 27, 2020, Restaurants may open to in-person dining at 50% of the indoor posted occupancy code limit, not to exceed 50 people, whichever is less. Tables or groups must be limited to no more than 8 people and be spaced so that patrons are a minimum of 6 feet apart. Restaurants may also use any existing, licensed outdoor space for in-person dining with the same group limit of 8 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Additional requirements for Restaurants are contained in **Appendix I**.

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

E. All **Field Services**, including real estate, may resume operations, in accordance with the requirements of this Order including **Appendix B**. Real estate includes in-person real estate showings and marketing services which must adhere to **Social Distancing Requirements** with cleaning and disinfection between each showing, but may not hold open houses.

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

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

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

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

2. **Non-Critical Manufacturing** operating in a production environment with no more than ten (10) employees that comply with the requirements in Section II.I below and the additional requirements in **Appendix H**.

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

1. Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):
 - a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
 - b. maintain 6 foot separation between employees and discourage

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shared spaces;

- c. [clean and disinfect](#) all high touch areas;
- d. post signage for employees and customers on good hygiene;
- e. ensure proper ventilation;
- f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or provide sufficient spaces where appropriate distancing can be maintained if larger gatherings are required by law, such as for some government functions like trials;
- g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:
 1. send employee home immediately;
 2. increase cleaning in your facility and require social distancing of staff at least 6 feet apart from one another;
 3. exclude employee until they are fever-free, without medication, for 72 hours and 10 days have passed since their first symptom; and
 4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
- h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.

2. Employers shall take all of the following measures regarding employees to minimize disease transmission:

- a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
- b. provide work accommodations for people who are at risk of severe illness from COVID-19 who remain subject to **Stay at Home** advisement, prioritizing telecommuting, as people who are at risk for severe illness

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from COVID-19 shall not be compelled to go to work during the pendency of this pandemic emergency;

- c. provide to the greatest extent possible flexible or remote scheduling for employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
- d. encourage and enable remote work whenever possible;
- e. encourage breaks to wash hands or use hand sanitizer;
- f. phase shift and breaks to reduce density; and
- g. provide appropriate protective gear like [gloves, masks, and face coverings](#) as defined by [OSHA industry standards](#).

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

- a. create whenever possible special hours for people who are at risk of severe illness from COVID-19 only;
- b. encourage 6 foot distancing inside of the business for all patrons;
- c. encourage customer use of protection like gloves and face coverings;
- d. provide hand sanitizer at the entrances to the greatest extent possible; and
- e. use contactless payment solutions, no touch trash cans, etc. whenever possible.

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

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

J. Work Accommodations. Employers must provide reasonable work accommodations for people who are at risk of severe illness from COVID-19 who are still under

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the **Stay at Home** advisement, such as telecommuting. Employers are encouraged to provide reasonable work accommodations for individuals who reside with or are caring for people who are at risk of severe illness from COVID-19, or facing child care needs while schools remain closed.

K. Children’s Day Camps and Youth Sports Camps. Effective June 1, 2020, children’s day camps, youth sports camps and exempt single skill-building youth camps may open in accordance with the requirements in **Appendix J** of this Order. Residential camps are not authorized to open at this time.

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

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

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

1. Face coverings are strongly encouraged to be worn by staff, volunteers and congregants while on the premises of the house of worship, except for children 2 years old and under, those with trouble breathing, or those unable to remove a mask without assistance.
2. Houses of worship should follow the [Colorado Department of Health and Environment Cleaning Guidance](#), as well as the [CDC guidelines for Cleaning and](#)

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[Disinfecting Your Facility](#) in preparing their buildings prior to, during, and following any gathering. Restrooms and the worship space, particularly any metal or plastic on chairs, and all high touch surfaces or shared objects must be cleaned and disinfected between services.

III. Definitions

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

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

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

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

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

1. Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
2. Emergency response
3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
6. Designated emergency shelters

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7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)

8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)

9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**

10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance

11. Hazardous material safety

12. Services to at-risk populations and people who are at risk of severe illness from COVID-19

13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Social Distancing Requirements** are observed to the greatest extent possible

14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services

15. Election operations, including but not limited to election judges, signature gatherers/circulators, campaign workers and volunteers

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

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

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

H. Minimum Basic Operations. The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work

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remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Social Distancing Requirements**.

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

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

K. Limited Healthcare Settings means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. These individual services may only be performed with 10 or fewer people in a common business space at a maximum of 50% occupancy for the location, whichever is less, including both employees and patients, e.g. 5 chiropractors providing services to 5 customers, with **Social Distancing Requirements** in place of 6 feet distancing between customers receiving services. Employees must wear medical grade masks at all times, and patients must wear at least a [cloth face covering](#) at all times. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of Reference PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-28.

L. Personal Services means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, pastoral services except as specified in **Appendix F**, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**. These individual services may only be performed with 10 or fewer people in a common business space at a maximum of

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50% occupancy for the location, whichever is less, including both employees and customers, e.g. 5 hairstylists providing services to 5 customers, with **Social Distancing Requirements** of at least 6 feet distancing between different customers receiving services. Both employees and customers must wear at least a cloth face covering or a medical grade mask at all times. Only services that can be performed without the customer removing their mask are permitted.

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

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

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

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

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

1. Individuals who are 65 years and older;
2. Individuals with chronic lung disease or moderate to severe asthma;
3. Individuals who have serious heart conditions;
4. Individuals who are immunocompromised;
5. Pregnant women; and
6. Individuals determined to be high risk by a licensed healthcare provider.

IV. Postsecondary Institutions. Programs and courses at postsecondary institutions that cannot be conducted remotely, generally due to equipment requirements, may be conducted through limited in-person instruction. Institutions that wish to resume providing in-person instruction must inform the Colorado Department of Higher Education and ensure that **Social**

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Distancing Requirements are strictly followed. Additionally, students are allowed to opt out of the in-person instruction; such students will be treated no differently than students in all other courses that have ceased in-person instruction due to the COVID-19 situation.

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

VI. Enforcement

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

VII. Severability

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

VIII. Duration

This Order shall become effective on Friday June 5, 2020 and will expire 30 days from June 1, 2020, unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

June 5, 2020

Date

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Appendix A. Critical and Non-Critical Retail Requirements

Appendix B. Field Services

Appendix C: Non-Critical Office-Based Businesses

Appendix D: Personal Services

Appendix E: Limited Healthcare Settings

Appendix F: Critical Businesses List

Appendix G: County Variance Requests

Appendix H: Non-Critical Manufacturing

Appendix I: Restaurants

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

Appendix K: Outdoor Recreation

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APPENDIX A. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

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

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

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

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

1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Employees without face coverings shall not perform tasks that require engagement with the public or with other coworkers.
3. Encourage frequent breaks to allow employees to wash or sanitize their hands.
4. Require employees to stay home when showing any symptoms or signs of sickness.

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5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.

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

1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines.

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

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

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

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

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

1. limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
2. provide decals and demarcation for waiting area in lines that meet social distancing criteria;
3. create signage encouraging vulnerable and at-risk individuals to refrain from shopping outside of dedicated hours set aside for those who are more vulnerable or at-risk;
4. create signage to encourage the use of masks and gloves by customers while on the premises; and

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5. provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.

III. Indoor Malls. Indoor malls must not open to the public for entry. Retailers operating in indoor malls that have their own exterior entrance from the outside may operate as all other **Non-Critical Retail** in accordance with this **Appendix**. Retailers and service providers operating in an indoor mall that do not have their own exterior entrance from the outside remain closed; however, these vendors may establish delivery service, including curbside delivery, in strict compliance with mandatory **Social Distancing Requirements**.

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APPENDIX B: FIELD SERVICES

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

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

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

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

1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
2. provide contactless payment options in the field whenever possible;
3. encourage customers to maintain 6 foot distancing from field service employees; and
4. encourage customers to use facial coverings when field services are being conducted.

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APPENDIX C: NON-CRITICAL OFFICE-BASED BUSINESSES

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

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

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

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

1. maintain in-office occupancy at no more than 50% of total by maximizing use of telecommuting and developing in-office rotation schedules;
2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
4. require gloves and masks for any customer interactions; and
5. allow telecommuting to the greatest extent possible.

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

1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;
2. encourage customers to use facial coverings when on the business premises;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to individuals at risk of severe illness from COVID-19 if possible.

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APPENDIX D: PERSONAL SERVICES

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

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

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

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

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

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2. Personal services with low personal contact, such as movers or repair services, must implement the following:
 - a. maintain a minimum of 6 feet of separation between customers and adhere to social gathering limits of no more than 10 people. For real estate work, open houses are prohibited;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.

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

1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and limit all group classes of any kind for individuals or for pets, pet training classes, or other activities associated with picking up pets to no more than 10 customers at a time and all following **Social Distancing Requirements**;
2. require customers to wear face coverings, except for personal training in a pool; if a customer does not have a mask, a "disposable mask" could be provided;
3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
4. provide contactless payment options whenever possible.

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APPENDIX E: LIMITED HEALTHCARE SETTINGS

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

A. Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:

1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.¹
2. The practice must implement strict infection control policies as recommended by the CDC.²
3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, with no more than ten (10) people in a common business space at a maximum of 50% occupancy, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.

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

1. Services with close, direct personal contact must implement the following:
 - a. wear medical grade mask and gloves at all times;
 - b. change gloves and wash hands between every patient;

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

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

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- c. clean and disinfect all shared equipment and tools between every patient; and
 - d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
 2. Services with low personal contact must implement the following:
 - a. maintain a minimum of six 6 feet of separation between customers and limit to no more than ten (10) people in a common business space at a maximum of 50% occupancy.
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
 3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary. Masks may be removed when social distancing of at least 6 feet if possible (e.g., after entering a private office). In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

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

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow social distancing protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.

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7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.
8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.

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

1. All of the above approaches and criteria are being met;
2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
 - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency³;
3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Social Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

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

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APPENDIX F: CRITICAL BUSINESSES

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

“Critical Business” means:

1. Healthcare Operations, Including:

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

2. Critical Infrastructure, Including:

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

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

3. Critical Manufacturing, Including:

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

4. Critical Retail, Including:

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

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

5. Critical Services, Including:

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

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

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

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

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

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

9. Construction, Including but not Limited To:

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

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10. Defense

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

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

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

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

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

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

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

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APPENDIX G: COUNTY VARIANCE REQUESTS

Governor Jared Polis issued **Executive Order D 2020 044 Safer at Home** effective April 27, 2020, updated with **Executive Order D 2020 079**, and now replaced with **Executive Order D 2020 091 Safer at Home in the Vast, Great Outdoors**. The key elements of the Order are that most people still stay at home as much as possible and avoid unnecessary social interactions; vulnerable populations continue to stay at home except to support or perform necessary activities or participate in critical government functions or critical businesses; there is limited reopening of postsecondary institutions, and certain business operations are permitted; people are still encouraged to stay within their county of residence or employment as much as possible; public and private gatherings of more than ten (10) persons are prohibited; and Coloradans are advised to wear non-medical cloth face coverings that cover the nose and mouth whenever in public.

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

Criteria for variance consideration:

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

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

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triggers for tightening restrictions to prevent a breach of local hospital system capacity. Considerations and triggers should be documented in the plan submitted to CDPHE.

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

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

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

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

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APPENDIX H: NON-CRITICAL MANUFACTURING

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

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

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

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- B.** Employers must implement the following measures for employees to minimize disease transmission:
1. Provide guidance about how to comply with 6 foot distancing;
 2. Designate workers to monitor and facilitate distancing on processing floor lines;
 3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health;
 4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
 5. Disinfect work stations between shifts and/or at the end of the workday;
 6. Group employees into teams or shifts that remain together;
 7. Stagger employee lunch and break times;
 8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
 9. Encourage the wearing of masks or other face coverings while carpooling or taking other forms of public transportation.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. Prohibit entry to the worksite of all non-essential external visitors;
 2. Conduct symptom checks for any essential visitors who will interact with employees;
 3. Require essential visitors to wear masks or face coverings; and
 4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

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APPENDIX I: RESTAURANTS

I. Effective May 27, 2020, while **Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery, **Restaurants** may resume in-person dining if the business can demonstrate compliance with the requirements of this Order, including Section II.I, and all of the following:

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

1. Indoor and outdoor in-person services
 - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
 - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
 - c. Limit party size to 8 people or less.
 - d. All employees must wear facial coverings that cover the nose and mouth.
 - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
 - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
2. Additional indoor dine-in service requirements include:
 - a. Limit service to no more than 50% indoor posted occupancy code limit, with no more than 50 patrons total, whichever is less.
 - b. Ensure proper ventilation per [OSHA guidance](#)
3. Restaurants must make every effort to maintain physical distancing at all times, both inside and outside the establishment, including:
 - a. Using a reservation system, exclusively if possible;
 - b. Disallowing close proximity to others outside the patron's group through eliminating communal or seat yourself options
 - i. Bar seating options should only be available if the bar is not being used for bar service;
 - c. Eliminating self-service stations or buffets; and
 - d. Provide appropriate signs or markings within the **Restaurant** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic.
4. Restaurants must implement measures to maintain the cleanliness and

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sanitation of the restaurant, including:

- a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
- b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - i. Clean and disinfect restrooms every hour, and
 - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
- c. Use disposable items wherever possible, such as single-use menus and condiments.

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

1. Establish a minimum of 6 foot physical distancing standards and train employees on maintaining distancing between employees to the greatest extent possible
 - a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
 - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
 - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
2. Face coverings and gloves
 - a. Require employees to wear facial coverings at all times, and encourage the use of gloves when in contact with customers or goods.
 - b. Require facial coverings and encourage gloves for vendors, suppliers, and contract workers entering the licensed establishment.
3. Employee sanitary requirements
 - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
 - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.

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

1. To facilitate notifying customers if a disease exposure occurs, consider
 - a. providing an option for customers to “sign in”, and
 - b. utilizing a reservation system;
2. Implement as feasible the following low or no touch options:
 - a. Provide contactless payment options, and
 - b. Continue curbside pick up/delivery options and recommend for

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- vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
3. Ensure 6 foot distancing at all times by implementing the following:
 - a. Block of lobbies or waiting areas completely, or establish customer waiting areas that maintain proper social distancing from other guests, and
 - b. Restrict standing or congregating in public spaces such as the bar area, entrance or exit; and
 4. Request facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and social distancing requirements.

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

- I. Effective June 1, 2020, summer camps and sports camps may open for business if the camp operator can demonstrate compliance with the requirements in this Appendix.
 - A. Prior to hosting a camp, the camp operators must create a plan that implements all of the following:
 1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
 - a. Groups of campers are limited to 25 or fewer outdoors, and 10 or fewer indoors per room, and shall not mix with other groups.
 - b. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space.
 - c. Require face coverings during transportation in camp vehicles to and from the camp.
 2. For staff and camper health and safety:
 - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers.
 - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
 - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
 - d. Ensure the on-call availability of a nurse or health care professional.
 - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
 - f. Prepare procedures for closures following a case or outbreak of COVID-19.
 - g. Provide access to or sufficient supplies of all of the following:
 - i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;
 - ii. handwashing/hand sanitizing locations; and
 - iii. adequate cleaning and disinfecting supplies
 - h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.
 3. Single-night overnight excursions are permitted so long as the campers and staff remain strictly cohorted.
 - B. Camp operators must meet all of the following requirements while camps are in session:
 1. Staff, volunteer and camper health.
 - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)

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- b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
 - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
 - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
 2. Require staff, volunteers and campers to do all of the following:
 - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
 - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
 - c. Stagger activities as much as possible to avoid any mixing of groups, and
 - d. Wear masks or face coverings whenever possible.
 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.
 6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.

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APPENDIX K: OUTDOOR RECREATION

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

A. Distancing and Capacity Requirements

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

B. Hygiene, Cleaning and Disinfection Requirements

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

C. Operators and Employees

1. Wear face coverings at all times during staging and disembarking operations. Where safe, wear face coverings during trip operations.
2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the [CDPHE Symptom Tracker](#) ([Additional Guidance](#)). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and

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referred to state or company support services.



COLORADO
Department of Public
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Updated June 4, 2020, 3:59 p.m.

Available languages (last updated 06/04/20): Español | Tiếng Việt | 中文 | Soomaali | العربية | नेपाली

The safest option to protect the most people and prevent the spread of the virus is to offer services online during this phase of the pandemic.

We strongly recommended that those who are at higher-risk of severe illness from COVID-19 (e.g. 65 years and older, chronic lung disease, serious heart conditions, immunocompromised, severe obesity, diabetes, liver disease, chronic kidney disease undergoing dialysis, etc.) continue using online options.

Because spiritual needs cannot always be met through online programming, some spiritual leaders may decide to manage the risk and re-open portions of their in-person services. These guidelines and recommendations will help protect the health of those who choose to attend religious and spiritual gatherings in-person during this time. These guidelines and recommendations apply to houses of worship and settings where life-rites occur, such as funeral homes or venues for wedding ceremonies. Social receptions for those events still must follow mass gathering limitations.

We welcome ongoing feedback, and will continually review these in partnership with you. To help us understand the impact on your communities, please complete this survey by June 12, Please find the survey [here \(https://docs.google.com/forms/d/e/1FAIpQL5cc-4qr2I37dIX10wflCzLbmeSV4uzXRaotQB4wiKEZH5IWuQ/viewform?usp=sf_link\)](https://docs.google.com/forms/d/e/1FAIpQL5cc-4qr2I37dIX10wflCzLbmeSV4uzXRaotQB4wiKEZH5IWuQ/viewform?usp=sf_link).

On this page: [Capacity limitations](#) | [Physical/social distancing](#) | [Cleaning practices](#) | [Masks](#) | [Pre-registration](#) | [Employees and volunteers](#) | [Directing movement of people \(entry / exit Doors\)](#) | [Create a “touchless” experience](#) | [Presenting speakers/singers/choirs](#) | [Children’s and youth programming](#) | [Outdoor services](#) | [Security](#) | [Muslim ablution](#) | [Religious studies, small groups, and meetings](#) | [Food pantries and other services](#) | [Other sacred ceremonies](#) | [Additional comments](#)

Required guidelines

Capacity limitations

- Indoors: Maximum 50% capacity or up to 50 people per room.
- Outdoors: Groups from different households spaced at least 6 feet apart, up to local capacity levels.

Physical/social distancing

- Entering and exiting buildings should include at least 6 feet physical distancing by party. A “party” includes members of a household who live together.
- Seating in houses of worship should be arranged in such a way as to maintain at least 6 feet of distance in every direction between individuals or parties.
- Faith communities are encouraged to add additional services to accommodate the need for physical distancing, as well as consider shortening the duration of services to minimize exposure time.
- Houses of worship should have a plan for distancing requirements in restrooms (either one person at a time or close off multiple stalls in between the stalls that can be used).
- Multiple large rooms in a facility can be used as long as each space can follow ALL the guidelines and each room has 4 walls and a door. Service times may have to be staggered to accomplish this. Leaders must attend to distancing requirements, available restrooms, separate entrance/exit doors, and timely cleaning practices.

Cleaning practices

- Follow the [Colorado Department of Health and Environment’s Cleaning Guidance \(https://covid19.colorado.gov/cleaning-guidance\)](https://covid19.colorado.gov/cleaning-guidance).
- Restrooms should be cleaned at minimum between each service.
- Any metal or plastic on chairs or surfaces must be disinfected between services.
- Additional resources can be found at [CDC Coronavirus Disease 2019 \(COVID-19\) - Get Your Community- and-Faith-Based Organizations Ready for Coronavirus Disease 2019 \(https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/\)](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/).

Strongly recommended guidelines

Masks

EXHIBIT 2

- Follow the Colorado Department of Public Health and Environment's [Guidance for wearing masks/cloth face coverings](https://covid19.colorado.gov/mask-euidance) (<https://covid19.colorado.gov/mask-euidance>).
- We strongly encourage that masks be worn at all times while on the premises by staff, volunteers, and congregants attending worship services. Children 2 and under, those with trouble breathing, or those unable to remove a mask without assistance should not wear a mask.
- Houses of worship should have extra masks on hand for visitors who do not have their own. Any item provided to be worn must be disposable or fully sanitized before and after each use.

Pre-registration

- Use a pre-registration system, social media platform, or private messaging to distribute the number of worshippers across the services being offered (in accordance with the physical distancing guidelines).
- Develop a [protocol for symptom screening](https://covid19.colorado.gov/symptom-screening) (<https://covid19.colorado.gov/symptom-screening>): self-reporting, health surveys, or on-site checks. Anyone with any symptoms may not attend.
- Consider allowing for 10% capacity at each service for "walk-ups" who do not have access to the technology to sign up or do not know how to use it.
- Consider who will manage additional participants at the door.

Employees and volunteers

- Upon arrival, all employees and volunteers should have their temperature taken and symptoms screened. Anyone with a temperature over 100.4 or showing [COVID-19 symptoms](https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html) (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>) should go home. [Sample Screening Form](https://drive.google.com/file/d/1p6SStp1deNzVVjlgaL937f06jHWT9VDM/view) (<https://drive.google.com/file/d/1p6SStp1deNzVVjlgaL937f06jHWT9VDM/view>).
- Masks and gloves must be worn.
- Training should be provided on sanitation. If anyone has symptoms, follow [workplace outbreak guidelines](https://drive.google.com/file/d/107dLRAJaD4ZtNJGy8geSf0UvngesvKYd/view) (<https://drive.google.com/file/d/107dLRAJaD4ZtNJGy8geSf0UvngesvKYd/view>).

Directing movement of people (entry / exit Doors)

- Employees or volunteers (ushers) should provide physical distance directions for where to walk and which areas are available for seating/standing as the service begins and ends.
- Display clear signage in languages worshippers understand.
- Attendees should enter and exit the facility as directed: one person/household party at a time adhering to physical distancing guidelines.
- Mark the floor of the worship space (aisles), the lobby, and the area outside the entrance and exit with physical distancing markers to cue people where to stand/wait.
- Avoid any close congregating or crowding before, during, or after the service.
- Use separate doors for entry and exit. If only one door is available, ensure times of services are spread out enough that the exit of one service can be completed before entry for the next service is allowed.
- Enable people to stay 6 feet apart while waiting to enter the building. This can include ground markings, or other tactics like encouraging people to remain in their cars.
- Throughout the service, people need to maintain at least 6 feet of distance from all persons not in their household/party.
- After services, people should return directly to vehicles, maintaining at least 6 feet of distance from others.

Create a "touchless" experience

Where possible, houses of worship are encouraged to create a plan which allows for worshippers to avoid all contact with surfaces.

- Doors:** Doors entering the building and inside the building should either remain propped open or be opened/closed by employees/volunteers throughout the entire process.
- Hand sanitizer:** Locate touchless hand-sanitizer units at the front door and throughout the facility.
- Greeters:** Greeters and attendees must greet while maintaining at least 6 feet of distance at all times and refrain from shaking hands or any personal contact.
- Designated standing room:** Where possible, some spaces can be designated for those who desire to stand during the service with proper physical distancing (so as not to touch the chairs).
- Communion:** Direct interaction between faith leaders and congregants should be touch-free. Individually packaged communion is the safest option. When communion is not individually wrapped, the container for the host/bread should remain covered and uncontaminated during blessings and prayers. Distribution should be touch-free. Common cups are very high-risk and should not be used.
- Offering:** Offering boxes or baskets should be attached to the wall or set at an entrance or exit of the worship space in a way that attendees do not have to touch it when they give. Do not pass baskets or plates among attendees.
- Hymnals/religious books:** These items should be removed and photocopies should be made available that can be discarded after one individual use, if permissible in that faith tradition. Consider projecting materials on a wall/screen for congregations to read together. Best practice is for worshippers to bring their own religious books and/or use technology to project lyrics, scriptures, liturgies, etc., so no physical copies are necessary, or provide links that can be used to get to the materials on a cell phone.
- Contact with religious objects:** At this phase of re-opening, there should be minimal communal contact with objects of religious or spiritual significance. If possible, consider wearing gloves or other protection while handling.
- Food and beverage:** No food or beverage may be offered by the house of worship. No food or beverage may be brought in by individual attendees to share with others.

Presenting speakers/singers/choirs

- Masks or face coverings should be worn to the greatest extent possible, as loud speaking and singing appear to spread COVID-19 further.

- Speakers, preachers, presenters, and singers should move considerably further back (25-27 feet) than the prescribed 6 feet of physical distance to maximize distance between them and the front row of attendees.
- Choirs should not be used at this time given the strong risk of viral spread from singing.

Children's and youth programming

- Children and youth may attend religious services with parent(s)/caregiver(s) who feel confident they can enforce at least 6 feet of distance between children from different households.
- Particular services should be catered to families and publicized accordingly in order to mitigate the risk of cross-generational transmission.
- Houses of worship that would like to provide programming for children must demonstrate an ability to adhere to all **guidelines for child care centers** (<https://covid19.colorado.gov/safer-at-home/safer-at-home-child-care-facilities>) published by CDPHE. Youth programming, separate from the religious services, may occur but with a strong recommendation for meeting outdoors, providing at least 6 feet of distance between parties from all sides, and the use of masks by all participants.

Other areas of recommendation/consideration

Outdoor services

- These services are allowed if all applicable guidelines listed in this document can be followed. Special consideration must be given to directing people from the parking lots to the outdoor setting while physical distancing, as well as indicating where they can sit/stand.
- Guests should bring their own lawn chair/blanket to minimize the shared use of chairs and other items (umbrellas, etc.).
- Masks and at least 6 feet of distance between parties is still required.
- Weddings that can follow outdoor service guidelines are allowed.

Security

- Unfortunately, hate groups have used the fear of the pandemic to promote discrimination -- particularly against Asian, Jewish and Muslim communities. Any plans for reopening should be made with an awareness of these types of events.

Muslim ablution

- Where possible it is recommended ablution occur privately at the attendees' place of residence before arriving at the mosque. If that is not possible, staff or volunteers should clean faucet handles and other items between each use.

Religious studies, small groups, and meetings

- Religious studies, book studies, and other small groups are strongly encouraged to continue to meet online.
- Staff might consider limited meetings in the religious facility with appropriate physical distancing and masks. Where possible these groups are encouraged to meet outdoors and to follow proper physical distancing guidelines and the use of masks.
- Religious facilities should follow the cleaning, movement, and mask guidance above.

Food pantries and other services

- These activities may occur at the religious facility assuming all the relevant guidelines listed in this document can be followed and additional CDPHE guidelines for specific service facilities are followed. When distributing items, the gatherings should remain at 10 or under in one room with physical distancing guidelines, masks, and cleaning.

Other sacred ceremonies

- As with all other services offered, if all the above guidelines can be met, these events are permitted.

Additional Comments

- Please note, these are recommendations for June, and possibly July, based on current data.
- Houses of worship should immediately refer to the **health department's guidance** (<https://drive.google.com/file/d/107dLRAJaD4ZtNJGy8geSf0UvngesvKYd/view>) if there is deemed to be an outbreak in their community.
- Consider these recommendations as ways to protect your community and the general public. Do not try to find loopholes in order to bypass the recommendations. Be sure to check with your insurance company about liability around COVID-19 exposure in your facility.
- Areas that request and receive a variance from CDPHE can abide by the guidelines in the approved variance application.

[COVID-19-related issues & concerns \(https://covid19.colorado.gov/CovidConcerns\)](https://covid19.colorado.gov/CovidConcerns)

[Colorado Crisis Services \(https://coloradocrisisservices.org/\)](https://coloradocrisisservices.org/)

We provide free, confidential, professional and immediate support for any mental health, substance use or emotional concern, 24/7/365.

Call 1-844-493-TALK (8255) or text TALK to 38255 to speak to a trained professional.

[211 Colorado \(https://www.211colorado.org/\)](https://www.211colorado.org/)

2-1-1 is a confidential and multilingual service connecting people to vital resources across the state.

☎ Call 2-11 or (866) 760-6489 📄 Text your ZIP CODE to 898-211

[CO-HELP \(https://www.colorado.gov/pacific/cdphe/co-help\)](https://www.colorado.gov/pacific/cdphe/co-help)

Colorado's call line for general questions about the novel coronavirus (COVID-19), providing answers in many languages including English, Spanish (Español), Mandarin (普通话) and more.

☎ Call 303-389-1687 or (877) 462-2911

Media line (for media only): 303-900-2849

[CDPHE main website \(https://colorado.gov/cdphe\)](https://colorado.gov/cdphe)

[Colorado Emergency Management \(http://www.coemergency.com/\)](http://www.coemergency.com/)

[Stay at home Colorado guide \(https://stayathomeco.colorado.gov/\)](https://stayathomeco.colorado.gov/)

[Help Colorado Now \(http://helpcoloradonow.org\)](http://helpcoloradonow.org) - Volunteer, donate, contribute, apply for funding.

[State resource for COVID-19 information \(https://covid.colorado.gov/\)](https://covid.colorado.gov/)

[OnwardCO.org \(https://urldefense.proofpoint.com/v2/url?u=http-3A_onwardco.org&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNicq64TgF1JwNR0cs&r=tKhU0U_L2xbjslo_eJnBsllU8HnLQ6GQZw39EuQXQSA&m=dXF1XqmnyYaKrsVZJ2pb30IHqibGVNQGDMdDn4kQ&s=LHbqsUuqwFec-ngL7MhT1soU14t2zdketeXX6EflmtU&e=\)](https://urldefense.proofpoint.com/v2/url?u=http-3A_onwardco.org&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNicq64TgF1JwNR0cs&r=tKhU0U_L2xbjslo_eJnBsllU8HnLQ6GQZw39EuQXQSA&m=dXF1XqmnyYaKrsVZJ2pb30IHqibGVNQGDMdDn4kQ&s=LHbqsUuqwFec-ngL7MhT1soU14t2zdketeXX6EflmtU&e=)) - One-stop resource for Coloradans impacted by job loss to connect with life essentials, training, and jobs.

[Request a website change \(https://forms.gle/PLiDz5cQ4tjA3Q2R9\)](https://forms.gle/PLiDz5cQ4tjA3Q2R9)

If you have symptoms and think you have been exposed, call a health care provider.

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Colorado Emergency Management

 ([https://www.facebook.com/COEmergency/?__xts__\[0\]=68.ARAHzIPINUNeZ27ayQDMfbLehNYVIMrg7xfT8j-8aN98mdPRoBbPnmktcLMtKl-wokLnQaemEUD3PdU-0DQcGtcf](https://www.facebook.com/COEmergency/?__xts__[0]=68.ARAHzIPINUNeZ27ayQDMfbLehNYVIMrg7xfT8j-8aN98mdPRoBbPnmktcLMtKl-wokLnQaemEUD3PdU-0DQcGtcf))
 (<https://twitter.com/COEmergency>)

Available languages

[Español \(https://drive.google.com/open?id=1wvUvHmRb1EgsjT0_tMebKjbJAryWs3ol\)](https://drive.google.com/open?id=1wvUvHmRb1EgsjT0_tMebKjbJAryWs3ol) (Spanish) | [Tiếng Việt \(https://drive.google.com/open?id=1kuJOG5xvziW8QnGlatjYXXKg946kWSkr\)](https://drive.google.com/open?id=1kuJOG5xvziW8QnGlatjYXXKg946kWSkr) (Vietnamese) |

[Soomaali \(https://drive.google.com/open?id=1uDHaqlqq5o8TqXXsesEkpqyfZGMpD-G8\)](https://drive.google.com/open?id=1uDHaqlqq5o8TqXXsesEkpqyfZGMpD-G8) (Somali) | [中文 \(https://drive.google.com/open?id=11zakkcFDevz2ieTO31SvQ\\$ey9C2_4vop\)](https://drive.google.com/open?id=11zakkcFDevz2ieTO31SvQ$ey9C2_4vop) (Simplified Chinese) |

(Arabic) [العربية \(https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_open-3Fid-3D1ymjzG3RB7xOWLp09mXTj6l57z5kYosGG&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNiq64TgF1JwNR0cs&r=tknlanG_PkVwm83166UnMjiQXq4Q\)](https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_open-3Fid-3D1ymjzG3RB7xOWLp09mXTj6l57z5kYosGG&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNiq64TgF1JwNR0cs&r=tknlanG_PkVwm83166UnMjiQXq4Q)
(Nepali) [\(https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_open-3Fid-3D1iAdkH6Ya8sHOWBm6jC-2DloGX0AHV5r-5FK7&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNiq64TgF1JwNR0cs&r=tknlanG_PkVwm83166UnMjiQXq4QQ1bJt44AdXi6cmE&m=MVPbWXYR5ufn\)](https://urldefense.proofpoint.com/v2/url?u=https-3A_drive.google.com_open-3Fid-3D1iAdkH6Ya8sHOWBm6jC-2DloGX0AHV5r-5FK7&d=DwMFaQ&c=sdnEM9SRGFuMt5z5w3AhsPNahmNiq64TgF1JwNR0cs&r=tknlanG_PkVwm83166UnMjiQXq4QQ1bJt44AdXi6cmE&m=MVPbWXYR5ufn)

