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D 2020 093

EXECUTIVE ORDER

Amending Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 Concerning the Temporary Suspension of Certain Regulatory Statutes Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. §24-33.5-701, et seq., I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 concerning the temporary suspension of certain regulatory statutes 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 economic impacts of COVID-19 are significant, and threaten to undermine the economic stability of many Coloradans and local businesses. The risk of contamination posed by COVID-19 has necessitated closure of multiple businesses. Employers and employees in virtually all sectors of the economy have been hard hit. We must take action to shore up economic security, employment, community cohesion, and community recovery.

On March 20, 2020, I issued Executive Order D 2020 011 ordering the temporary suspension of certain regulatory statutes due to the presence of COVID-19 in Colorado. On April 6, 2020, I issued Executive Order D 2020 029, which amended and extended Executive Order D 2020 011 until April 30, 2020, to include a number of additional statutory suspensions. On April 30, 2020, I issued Executive Order D 2020 052, extending Executive Orders D 2020 011 and D

2020 029 for an additional thirty (30) days. On May 29, 2020, I issued Executive Order D 2020 084, which amended and extended Executive Orders D 2020 011, D 2020 029, and D 2020 052.

This Executive Order amends Executive Orders D 2020 011, D 2020 029, D 2020 052, and D 2020 084 to include additional statutory suspensions to provide flexibility to Colorado businesses and localities.

II. Amendments

Section II of Executive Order D 2020 011, as amended and extended by Executive Orders D 2020 029, D 2020 052, and D 2020 084, is amended to include the following:

O. I temporarily suspend C.R.S. § 44-3-103(38), defining premise as a distinct and definite location, and C.R.S. § 44-3-301(3)(a) requiring a separate geographical location for each licensed premises, for the limited purpose of allowing two or more on-premises liquor licensees operating in accordance with Public Health Order 20-28 Safer at Home, as amended, to obtain temporary approval from State and local licensing authorities to modify their licensed premises to include a communal outdoor dining area that is within one thousand feet of each of their licensed premises.

P. I direct the Executive Director of the Department of Revenue to ensure that the Liquor Enforcement Division takes action within twenty four (24) hours of submission of an application for temporary modification of a license.

Q. I temporarily suspend the enforcement of the statutory limitation contained in C.R.S. § 44-3-901(1)(i)(D)(VII) prohibiting public consumption of alcohol beverages on any public right of way that has been authorized to allow such consumption by ordinance, resolution, or rule adopted by a municipality, city and county, or county.

III. Duration

Executive Order D 2020 011, as amended by Executive Orders D 2020 029, D 2020 052, D 2020 084, and this Executive Order, shall expire on June 27, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 011, as amended by Executive Orders D 2020 029, D 2020 052, and D 2020 084, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor