JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

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

D 2020 092

EXECUTIVE ORDER

Amending Executive Orders D 2020 039 and D 2020 067 Ordering Workers in Critical Businesses and Critical Government Functions to Wear Non-Medical Face Coverings

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq*., I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 039 and D 2020 067 to provide discretion to employers and operators of places of public accommodation, and those authorized on their behalf, to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of 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.

While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to take measures to facilitate reopening the economy while protecting public health.

This Executive Order amends Executive Orders D 2020 039 and D 2020 067 to provide discretion to employers and operators of places of public accommodation, and those authorized on their behalf, to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering.

II. Amendment

Section II of Executive Order D 2020 039, as extended by Executive Order D 2020 067, is amended to include the following:

C. Employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering. This directive shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 *et seq*.), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq*.), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq*.), and any other relevant federal or state law.

III. Duration

Executive Order D 2020 039, as extended by Executive Order D 2020 067 and as amended and extended by this Executive Order, shall expire thirty (30) days from June 4, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as extended by Executive Order D 2020 067, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor