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D 2021 047

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 235, D 2020 265, D 2020 289, and D 2021 023 Establishing Directives for the COVID-19 Dial Framework

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 and extending Executive Order D 2020 235, as amended and extended by D 2020 265, D 2020 289, and D 2021 023, establishing directives for the Dial Framework 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, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, and D 2021 045. 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.

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, speaks, or sings. 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 individuals at risk of severe illness from COVID-19. Evidence shows that Social Distancing and the Stay at Home Executive Order D 2020 017, as amended, helped to slow the rate of infection and ensured that Coloradans who needed it had access to healthcare resources.

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.

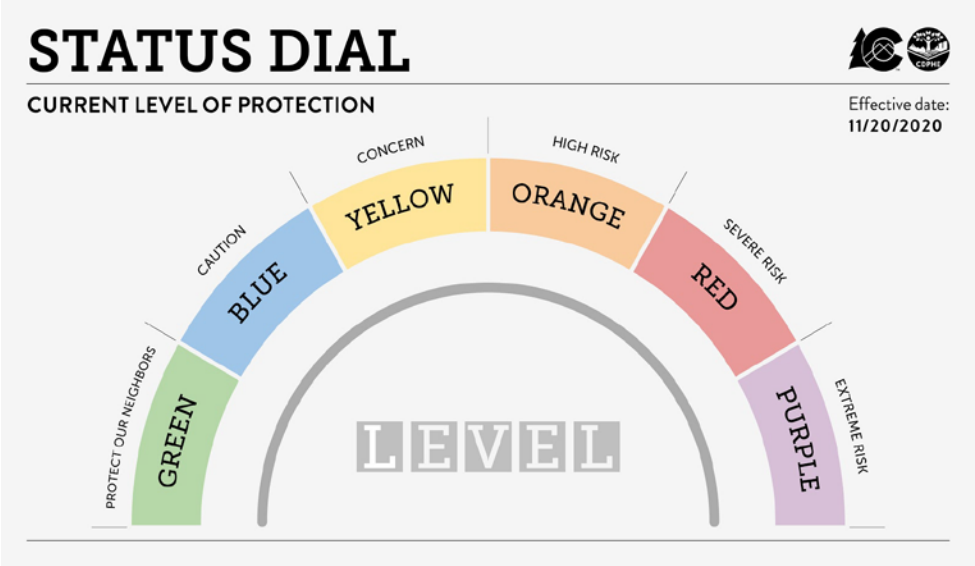
On March 25, 2020, I issued the Stay at Home Executive Order D 2020 017, as amended and extended by Executive Order D 2020 024, taking a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. Stay at Home required Coloradans to stay at home, subject to certain limited exceptions, and ordered the Executive Director of the CDPHE to issue a public health order (PHO) defining critical emergency personnel, infrastructure, government functions, and other activities exempt from the Stay at Home directives. Under Stay at Home and social distancing, the increase in cases and rate of infection slowed.

Through the Safer at Home Executive Order D 2020 044, as amended and extended by Executive Order D 2020 079, and the Safer at Home and in the Vast, Great Outdoors Executive Order 2020 091, as amended or extended by Executive Orders D 2020 123, D 2020 142, D 2020 144, D 2020 170, D 2020 199, and D 2020 213, I took steps to return Coloradans to work while continuing the efforts to "flatten the curve" and protect the public's health. Under Safer at Home and Safer at Home and in the Vast, Great Outdoors, Coloradans were encouraged to practice Social Distancing from others, limit social interactions, take extra precautions for individuals at risk of severe illness from COVID-19, and wear non-medical masks while in public to facilitate reopening the economy.

On July 9, 2020, I issued Protect Our Neighbors Executive Order D 2020 127, as amended or extended by D 2020 154, D 2020 178, D 2020 207, which implemented a number of measures giving local communities the opportunity to create flexible plans while still protecting the public's health. Under Protect Our Neighbors, local communities that have met certain qualifications and have an approved mitigation and containment plan may allow all activities to occur at fifty perfect (50%) capacity with Social Distancing with no more than five hundred (500) people in any one setting. Qualifying local communities are permitted to issue more detailed guidelines or public health orders to meet the needs of their community as long as the capacity did not exceed the Statewide limit. Because each community and each part of our State has different needs, Protect Our Neighbors allows communities to create unique and flexible plans within the statewide guidelines as we continue to open our economy and support people who are at increased risk for severe illness from COVID-19.

On October 30, 2020, I issued Executive Order D 2020 235, superseding and replacing Executive Orders Protect Our Neighbors and Safer at Home in the Vast, Great Outdoors and establishing directives for the COVID-19 Dial Framework. On November 28, 2020, I issued Executive Order D 2020 265, amending and extending Executive Order D 2020 235 to include Level Purple. On December 27, 2020, I issued Executive Order D 2020 289, extending Executive Orders D 2020 235 and D 2020 265 for an additional thirty days. On January 25, 2021, I issued Executive Order D 2021 023, extending Executive Orders D 2020 235, D 2020 265, and D 2020 289 for an additional thirty days. The Dial Framework recognizes unique local circumstances and uses an intuitive dial to visualize a community's success in containing the spread of COVID-19.

Each county or region is at one of the six levels represented by colors on the Dial, which range from least restrictive to most restrictive. The goal of each level is to strike the important balance between enabling economic and social activity while ensuring that our testing, contact tracing, and health care systems are able to contain the virus. Each level is defined by objective scientific metrics such as the number of new cases, percent positivity of COVID-19 tests, and hospitalizations. Based on these metrics, the dial assigns certain limitations and restrictions to contain the virus, including capacity limitations. A community may move between dial levels based on the metrics and in consultation with State and local public health officials to ensure unique local conditions are appropriately considered. If a county is moved "back to normal" off the dial entirely because of a major reduction in transmission or risk, it will no longer be subject to this Executive Order and the corresponding PHO.



This Executive Order amends and extends Executive Order D 2020 235, as amended and extended by Executive Orders D 2020 265 D 2020 289, and D 2021 023, for an additional thirty (30) days due to the continued presence of COVID-19 in Colorado.

II. Amendment

Section II of Executive Order D 2020 235, as amended and extended by Executive Orders D 2020 265 D 2020 289, D 2021 023, is amended as follows:

1. Replace Section II.I with the following:

   Pursuant to C.R.S. § 24-33.5-704(7)(h), CDPHE may, by PHO, based on each county's status in Levels Blue, Yellow, Orange, and Red set a time before 2:00 A.M. MDT for counties to cease alcohol beverage sales to end consumers for on-premises consumption and for takeout for all on-premises licensees licensed under Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under §§ 44-3-402(2), 44-3- 402(7), 44-3- 403(2)(e), or 44-3-407(1)(b), Colorado Revised Statutes.

III. Duration

Executive Order D 2020 235, as amended and extended by Executive Orders D 2020 265 D 2020 289, D 2021 023, and this Executive Order, shall expire thirty (30) days from February 23, 2021, unless amended further by Executive Order. In all other respects, Executive Order D 2020 235, as amended and extended by Executive Orders D 2020 265 D 2020 289, and D 2021 023, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor