COLORADO
Department of Public Health & Environment

DATE OF ORDER: APRIL9, 2020

FOURTH UPDATED PUBLIC HEALTH ORDER 20-24 IMPLEMENTING STAY AT HOME REQUIREMENTS

PURPOSE OF THE ORDER

I issue this amended Public Health Order (PHO or Order) pursuant to the Governor's directive in Executive Orders D 2020 017 (**Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State)** in response to the existence of hundreds of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. Further, there is substantial evidence of community spread of COVID-19 throughout the State. This Order has been amended to direct Coloradans to Stay at Home and to extend the date of the Order through April 26, 2020.

FINDINGS

1. Due to the increasing incidence of COVID-19 in the general public, the designation of pandemic by the World Health Organization, the Declaration of a Disaster Emergency by Governor Polis on March 10, 2020, and a National Emergency by the President of the United States on March 13, 2020, and previous PHOs issued by this Department, including PHO 20-20 (Restricting Visitors all all Colorado Skilled Nursing Facilities, Assisted Living Residences and Intermediate Care Facilities); PHO 20-22 (Closing Bars, Restaurants, Theaters, Gymnasiums, Casinos, Noncritical Personal Services Facilities, and Horse Track and Off-Track Betting Facilities Statewide); and PHO 20-23 (Implementing Social Distancing Measures); I hereby declare that the actions and prohibitions outlined in this PHO are necessary for the health and safety of the residents of Colorado.

2. Scientific evidence and best practices regarding the most effective manner to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the population of Colorado is at risk for serious health complications, including death, from COVID-19 make it imperative that the measures included in this PHO be taken immediately.

3. There is clear evidence that some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they are likely unaware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings promote transmission of COVID-19. COVID-19 also

physically contributes to property loss, contamination, and damage due to its propensity to attach to surfaces for prolonged periods of time.

4. The scientific evidence also shows that at this stage of the emergency, it is critical to slow transmission as much as possible to protect the most vulnerable and to prevent Colorado's health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable and increase the distance between people in the work environment. This PHO helps to reduce the property damage caused by COVID-19 and preserves the welfare of our residents by reducing the spread of the disease in our communities and our workplaces, and preserving critical emergency and healthcare capacity in the State.

INTENT

5. The intent of this PHO is to minimize contact between residents and to the greatest extent possible minimize the exposure of the public to contaminated public surfaces. By staying home we can maximize the number of people isolating in place, reduce the number of people congregating in workplaces at one time and reduce the proximity of people in the workplace, and enable the services, businesses, and travel necessary to protect public health and safety and preserve the continuity of social and commercial life as we save lives.

6. When people leave their places of residence, whether to obtain or perform critical emergency services, recreate, go to work, or for other valid reasons, they should at all times comply with **Social Distancing Requirements** as defined in Section III.F below. All provisions of this PHO should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this PHO constitutes an imminent threat to public health.

ORDER

The following authorities in Public Health Order 20-24 Implementing Fifty Percent Reduction in Nonessential Business In-Person Work and Extreme Social Distancing are hereby superseded by this Updated Public Health Order 20-24:

1. Any provision authorizing a noncritical business to remain open to in-person work by reducing their in-person workforce by fifty percent;
2. Any provision authorizing a noncritical business to remain open to in-person work by self-certifying that the business meets the Social Distancing Requirements for all employees.

Public Health Order 20-23 Implementing Social Distancing is hereby superseded by this Updated Public Health Order 20-24.

I. STAY AT HOME

A. All individuals currently living within the State of Colorado are ordered to **Stay at Home whenever possible**. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Social Distancing Requirements**, and may leave their **Residences** only to perform or utilize **Necessary Activities**.

B. All public and private gatherings of any number of people occurring outside a **Residence** are prohibited, except for the limited purposes expressly permitted in this PHO which include Essential Activities. Nothing in this PHO prohibits the gathering of members living in the same **Residence**.

C. People at high 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 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**.

D. Individuals experiencing symptoms of COVID-19 must self-isolate until their symptoms cease or until they have a negative test result. Due to limited testing availability and narrow criteria for testing, 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 seven (7) days have passed since symptoms first appeared.

E. Governmental and other entities are strongly urged to make shelter available to people experiencing homlessness 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.

F. All travel, including, but not limited to, travel by automobile or public transit, except **Necessary Travel** is prohibited. People must use public transit only for

purposes of performing **Necessary Activities** or to travel to and from work to operate **Critical Businesses** or maintain **Critical Governmental Functions**. People riding on public transit must comply with **Social Distancing Requirements** as defined in Section III.F, below, to the greatest extent feasible.

II. BUSINESS REQUIREMENTS

A. **Critical Businesses**, as defined below, are exempt, subject to certain limitations, from this PHO and are encouraged to remain open. **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.

B. To successfully contain the spread of the virus, all employers and individuals must observe **Social Distancing Requirements** at all times and to the greatest extent possible.

C. All businesses required to close down their in-person work under this Order may continue to carry out **Minimum Basic Operations** as defined below. Businesses that can continue to operate through work at home arrangements with their employees are encouraged to do so

D. Child care facilities providing services exempted in this PHO must, to the extent possible, operate under the following conditions: (1) child care must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day); (2) children shall not change from one group to another; (3) If more than one group of children is cared for at one facility, each group shall be in a separate group. Groups shall not mix with each other; (4) child care workers shall remain solely with one group of children. To the extent possible, child care shall be performed in compliance with **Social Distancing Requirements**.

III. DEFINITIONS

A. Necessary Activities. For purposes of this PHO, individuals may leave their Residence only 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 high 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, and similar outdoor activities but all playgrounds, picnic areas, other similar areas conducive to public gathering, and attended areas shall be closed. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Social Distancing Requirement**s defined in Section III.F, below.
4. Performing work providing essential products and services for a **Critical Business** or **Critical Government Function** as defined in Section III.C and D, below, or to otherwise carry out activities permitted in this PHO.
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.

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**; (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 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

- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses
- Hotels, and places of accommodation, excluding homeowner rentals and privately owned residences for rent
- 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

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 (for take-out/delivery only as necessary under **Executive Order D 2020 011** and **PHO 20-22**, as amended)
- 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, 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 remain open, however, these institutions are encouraged to implement electronic platforms to conduct services whenever possible or to conduct smaller (10 or fewer congregants), more frequent services to allow strict compliance with **Social Distancing Requirements**.
- Storage for **Critical Businesses**

- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, and other related facilities
- Moving services

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit institutions
- 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

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**

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

- K-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.

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

1. Critical services, including
    - Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
    - Emergency response
    - Judicial branch operations, including attorneys if necessary for ongoing trials and required court appearances, unless appearances can be done remotely
    - Legislative and executive branch functions
    - 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)
    - Designated emergency shelters
    - 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)
    - 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)

- Transportation. All public and private airports, airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**
- Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
- Hazardous material safety
- Services to at-risk populations and **Vulnerable Individuals**
- 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
- Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services

E. **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 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**.

F. **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.

G. "**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**.

H. "**Vulnerable Individual**" means anyone with a disability, anyone over the age of 60 and anyone with a serious underlying health condition.

IV. Pursuant to Executive Order 2020 017, local public health agencies may apply for relief from the Executive Order or this Public Health Order to more effectively meet local conditions and needs through a process to be established by CDPHE.

V. Enforcement

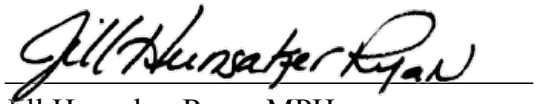
This order will be enforced by any appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties including a fine of up to one thousand (1,000) dollars and imprisonment in the county jail for up to one year, pursuant to 25-1-114, C.R.S.

VI. Severability

If any provision of this PHO to the application thereof to any person or circumstance is held to be invalid, the reminder of the PHO, 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 PHO are severable.

VII. Duration

This PHO shall become effective at 6:00 a.m. on Friday April 10, 2020 and will continue to be in effect until 11:59 p.m. on April 26, 2020, unless extended, rescinded, superseded, or amended in writing.



April 9, 2020

Jill Hunsaker Ryan, MPH
Executive Director