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D 2020 029

EXECUTIVE ORDER

Amending and Extending Executive Order D 2020 011 Ordering 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.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending until April 30, 2020, Executive Order D 2020 011 ordering 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 we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. 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.

This Executive Order amends and extends until April 30, 2020, Executive Order D 2020 011, which temporarily suspends certain regulatory statutes due to the presence of COVID-19 in Colorado. This Executive Order amends the temporary statutory suspensions in Executive Order D 2020 011 to permit certain licensees to sell alcohol beverages by takeout and delivery. This Executive Order also temporarily suspends other statutes relating to driver's license and

identification card renewal, claiming Lottery prizes, issuance of agency actions, processes related to firearm permits, transfers, and background checks, in-person requirements for certain offender registration, requirements related to taxicab carriers, and provisions related to veterinarians distributing prescription drugs. These statutory suspensions, as well as the extension of Executive Order D 2020 011 to April 30, 2020, will ensure that State workers and members of the public do not unnecessarily come into close contact with each other in violation of social distancing orders, and will provide State agencies with additional flexibility to simultaneously fulfill statutory duties and respond to the COVID-19 pandemic.

II. Amendment

Section II.A of Executive Order D 2020 011 is amended to read as follows:

> I temporarily suspend the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-901(1)(g), 44-3-901(10), and 44-4-107(6) to allow retailers licensed for on-premises alcohol consumption to sell, deliver, or provide for takeout of the types of alcohol beverages they are currently licensed to sell in their licensed premises, including mixed drinks, subject to the requirement that all alcohol beverages must be sold with food and provided in containers approved by rule by the State Licensing Authority created in C.R.S. § 44-3-201, to customers who are over twenty-one (21) years old, until April 30, 2020. I also temporarily suspend the enforcement of the statutory license limitations in C.R.S. §§ 44-3-301(3)(a), 44-3-402, 44-3-901(1)(g), and 44-3-901(10) for breweries, wineries, and distilleries operating an approved sales room to sell, deliver, or provide for takeout of the types of alcohol beverages they are currently licensed to sell in their licensed premises, including mixed drinks, subject to the requirement that all alcohol beverages must be provided in containers approved by rule by the State Licensing Authority created in C.R.S. § 44-3-201, to customers who are over twenty-one (21) years old, until April 30, 2020.

Section II.B of Executive Order D 2020 011 is amended to read as follows:

> I temporarily suspend C.R.S. § 25-1.5-106(2)(a.5)(I), which requires an appropriate personal physical examination for the issuance of medical marijuana cards, until April 30, 2020, to prevent exposure of COVID-19 among medical professionals and medical marijuana patients.

Section II.C of Executive Order D 2020 011 is amended to read as follows:

> I temporarily suspend the prohibition on retail marijuana store online sales of retail marijuana and retail marijuana products in C.R.S. § 44-10-601(7)(c) to facilitate pick up by consumers twenty-one (21) years of age and older in a manner consistent with social-distancing guidelines promulgated by CDPHE, until April 30, 2020.

Section II.D of Executive Order D 2020 011 is amended to read as follows:

> I temporarily suspend the vehicle gross weight provisions of C.R.S. § 42-4-508(1)(c) for vehicles weighing 80,001 pounds to 84,999 pounds, to ensure the delivery of emergency goods and services to their destination in a safe and efficient manner until April 30, 2020.

Section II of Executive Order D 2020 011 is amended to include the following:

E. I temporarily suspend the provision in C.R.S. § 42-2-118(1.5)(a)(1) that electronic renewal shall be available only to drivers twenty-one (21) years of age or older and less than sixty-six (66) years of age, to temporarily allow for electronic renewal to those under twenty-one (21) years of age, and those sixty-six (66) years of age and older in accordance with Executive Order D 2020 003.

F. I temporarily suspend the provisions in C.R.S. § 42-2-304 regarding renewal of identification cards, to temporarily allow for electronic renewal of identification cards.

G. I temporarily suspend the provision in C.R.S. § 44-40-113(3) that any person who fails to claim a prize during the one hundred eighty day (180) period shall forfeit all rights to the prize, to temporarily provide individuals entitled to a prize additional time for claiming the prize.

H. I temporarily suspend the provision in C.R.S. § 24-4-105(16)(a) that each decision and initial decision made by an agency in an adjudication shall be served on each party by personal service or by mailing by first-class mail to the last address furnished the agency by such party and, except as provided in C.R.S. § 24-4-105(16)(b), shall be effective as to such party on the date mailed or such later date as is stated in the decision. I direct the Executive Director of the Department of Revenue to promulgate and issue emergency rules, if such authority does not already exist, to provide for service of each decision and initial decision by electronic mail to the address on file with the appropriate agency.

I. I temporarily suspend the "in person" requirements related to the application and issuance of permits to carry concealed handguns (Concealed Handgun Permits) contained in C.R.S. §§ 18-12-205(2)(a), (2)(b), (3)(a), (3)(b), and (4)(a). I also temporarily suspend the requirement in C.R.S. § 18-12-205(4)(b) that a sheriff shall take two (2) complete sets of an applicant's fingerprints to submit to the Colorado Bureau of Investigation (CBI). In assessing each Concealed Handgun Permit application, I strongly encourage sheriffs, in order to maintain safety through social distancing, to first consider issuance of a temporary emergency permit pursuant to C.R.S. § 18-12-209 (valid for an initial period of ninety (90) days) if appropriate, and second, to conduct a Colorado Crime Information Center (CCIC)/National Crime Information Center (NCIC) check of each applicant to determine whether the applicant is eligible to possess a firearm pursuant to 18 U.S.C. § 922(g) before issuing a Concealed Handgun Permit. During the effective period of this

Executive Order, sheriffs may issue Concealed Handgun Permits pursuant C.R.S. §§ 18-12-206 or -209 upon completion of the requirements of C.R.S. § 18-12-205, as modified by this Executive Order. Upon expiration of this Executive Order, I strongly encourage sheriffs to revisit and reevaluate permits granted under this Executive Order for compliance with all of the mandates in C.R.S. § 18-12-205.

J. I temporarily suspend the duties placed upon CBI in C.R.S. § 18-12-208(1) relating to fingerprint-based background checks, to provide CBI with additional time to complete these duties in light of the support they are providing to the State during the COVID-19 pandemic, with the expectation that CBI will fulfill these duties as soon as practicable.

K. I temporarily suspend the requirement in C.R.S. § 24-33.5-424(5)(b)(II) that CBI render a final administrative decision regarding the denial of a firearm transfer within thirty (30) days after receiving information from the transferee that alleges the transfer was improperly denied, to provide CBI with additional time to complete these duties in light of the support they are providing to the State during the COVID-19 pandemic, with the expectation that CBI will fulfill these duties as soon as practicable.

L. I temporarily suspend the requirement in C.R.S. § 16-22-108(6) that any person required to register as a sex offender shall sit for a current photograph or image and shall supply a set of fingerprints to verify the person's identity to local law enforcement, to provide local law enforcement agencies with discretion to determine the manner of registration in light of social distancing requirements in place during the COVID-19 pandemic. The mandate to register remains unchanged.

M. I temporarily suspend the requirement in C.R.S. § 40-10.1-702(4)(a) that a motor carrier providing large-market taxicab service must have at least twenty-five (25) vehicles in its fleet at all times. I also temporarily suspend the requirement in C.R.S. § 40-10.1-702(4)(b) that in El Paso, Larimer, and Weld counties, a motor carrier providing large-market taxicab service must have at least ten (10) vehicles in its fleet at all times.

N. I temporarily suspend the provision in C.R.S. § 12-315-112(1)(y) creating a basis for discipline against a licensed veterinarian for distributing a prescription drug other than in the course of a veterinarian-client-patient relationship, to permit a licensed veterinarian to donate or sell to the State of Colorado or any licensed healthcare facility in Colorado any currently unneeded prescription drugs that the licensed veterinarian has on hand in his or her practice.

III. Duration

This Executive Order shall expire on April 30, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 011 shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor