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# D 2020 199

## EXECUTIVE ORDER

**Amending and Extending Executive Orders D 2020 091, D 2020 123, D 2020 142, D 2020 144, and D 2020 170 Safer at Home and in the Vast, Great Outdoors**

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 Orders D 2020 091, D 2020 123, D 2020 142, D 2020 144, and D 2020 170 Safer at Home and in the Vast, Great Outdoors, 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, and D 2020 176. 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 virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. 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 as ninety percent (90%) of Colorado fatalities are individuals older than sixty (60). Evidence shows that Social Distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the rate of infection and ensured that Coloradans who needed it had access to healthcare resources.

While we have seen indications that our efforts to "flatten the curve" are working, increased transmission of the virus, and the resulting strains on our healthcare resources, continue to threaten Coloradans' way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice Social Distancing from others at a high level and implement other measures, such as limiting our social interactions, extra precautions for individuals at risk of severe illness from COVID-19, and wearing non-medical masks while in public to facilitate reopening the economy while we protect public health. As we move forward, the State continues to monitor the spread of COVID-19, increase our testing and tracing capabilities, and consider additional precautions as we learn more about the novel coronavirus and its effects on human health.

This Executive Order amends and extends Executive Orders D 2020 091, D 2020 123, D 2020 142, D 2020 144, and D 2020 170 by requiring that CDPHE determine the time upon which all on-premises licensees licensed under Articles 3, 4, or 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers based on each county's status under Safer at Home.

## II. Amendments

1. Replace Paragraph II.O. with the following:

   > Effective 10:00 P.M. MDT on Monday, September 21, 2020, pursuant to Colorado Revised Statute § 24-33.5-704(7)(h), CDPHE may, by public health order (PHO), based on each county's status under Safer at Home, set a time before 2:00 A.M. MDT for counties to cease alcohol beverage sales to end consumers for on-premises consumption 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. Nothing in this Executive Order prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery until 2:00 A.M. MDT but takeout alcohol beverage sales are not permitted after 11:00 P.M. MDT.

2. New Paragraph II.S. is added to the end of Section II:

   S. Nothing in this Executive Order prohibits Protect our Neighbors-approved counties from allowing on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes to continue until 2:00 A.M. MDT.

## III. Duration

Executive Order D 2020 091, as extended or amended by Executive Orders D 2020 123, D 2020 142, D 2020 144, D 2020 170, and this Executive Order, shall expire thirty (30) days from September 19, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 091, as amended or extended by Executive Orders D 2020 123, D 2020 142, D 2020 144, and D 2020 170 shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor