JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

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

D 2020 127

EXECUTIVE ORDER

Protect Our Neighbors

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 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, and D 2020 125. 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. 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.

Through the Safer at Home Executive Order D 2020 044 , as amended, and the Safer at Home and in the Vast, Great Outdoors Executive Order 2020 091, as amended, my administration 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 continue to practice Social Distancing from

others at a high level and implement other measures, such as limited social interactions, taking 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.

As the number of outbreaks decreases in a particular area, we will move into the next phase: Protect Our Neighbors. Local communities that meet certain qualifications can apply to become a Protect Our Neighbors Community. These communities will have: strong underlying public health and health care capacity that can respond to larger outbreaks; strong compliance with statewide standards; and the ability to enforce guidelines and public health orders.

If a community cannot maintain the required metrics for Protect Our Neighbors, the State will return them to the requirements of Safer at Home and in the Vast, Great Outdoors. 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. Even as we continue to open our economy through Protect Our Neighbors, we must continue to protect and support people who are at increased risk for severe illness from COVID-19, including individuals at risk of severe illness from COVID-19 such as older adults and people with underlying medical conditions.

This Executive Order implements a number of measures that will allow local communities in Colorado that have met certain qualifications and have a mitigation and containment plan in place to 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. Local communities may issue more detailed guidelines or public health orders to meet the needs of their community as long as the capacity does not exceed the statewide limit. This Executive Order does not apply to Critical Businesses, which have been continuously authorized to operate without capacity restrictions throughout the pandemic. Protect Our Neighbors gives local communities the opportunity to create flexible plans while still protecting the public's health.

II. Directives

A. All individuals at risk of severe illness from COVID-19 should Stay at Home or in the vast, great outdoors away from others as much as possible, and continue to limit their social interactions, remain at least six (6) feet from others not in their household, and wear facial coverings in public. Individuals at risk of severe illness from COVID-19 cannot be compelled to perform in-person work for any business or government function, including a Critical Business or Critical Government Function.

B. For purposes of this Executive Order, individuals at risk of severe illness from COVID-19 means:

1. Individuals who are sixty-five (65) years and older;

2. Individuals with chronic lung disease or moderate to severe asthma;

3. Individuals who have serious heart conditions;

4. Individuals who are immunocompromised;

5. Pregnant women; and

6. Individuals determined to be high risk by a licensed healthcare provider.

C. I direct the Colorado Civil Rights Division within the Department of Regulatory Agencies and CDPHE to provide continued guidance to prevent discrimination in the workplace related to COVID-19. Employers must provide reasonable accommodation to, and are prohibited from discriminating against, employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.

D. I direct the Executive Director of CDPHE to create a certification process to allow local communities to move from Safer at Home in the Vast, Great Outdoors to Protect Our Neighbors. To qualify for Protect Our Neighbors, a county or a region must:

a. Certify that they meet qualification metrics established by CDPHE; and

b. Submit a mitigation and containment plan on what the county or region will do if they fall out of compliance with one or more of these metrics, and documentation of support for the plan by local officials, law enforcement, and any others identified by CDPHE.

E. I direct the Executive Director of CDPHE to issue a new public health order (PHO) consistent with the directives in this Executive Order for counties and regions that qualify for Protect Our Neighbors. The PHO must:

a. Strongly encourage all businesses and governmental entities to allow workers to telecommute whenever possible.

b. Require all employers to make work accommodations for individuals at risk of severe illness from COVID-19. Employers are also encouraged to make accommodations for individuals living in the same household as an individuals at risk of severe illness from COVID-19 and for individuals with childcare responsibilities.

c. Allow all Non-Critical Office-Based Businesses to operate at fifty percent (50%) pre-pandemic capacity, which can be increased over time through subsequent public health orders, with at least six (6) feet between non-household members and following the requirements in the PHO 20-28, as amended, for any business-specific disease prevention and mitigation strategies.

d. Allow all other businesses and activities to operate at fifty percent (50%) capacity, which can be increased over time through subsequent public health orders, with at least six feet between non-household members and have no more than five hundred (500) people in one setting at a time, following the requirements in the PHO 20-28, as amended, for any business or activity specific disease prevention or mitigation strategies. However, these limits do not apply to Critical Businesses or Critical Government Functions, which have been continuously authorized to operate without capacity restrictions throughout the pandemic.

e. Require implementation of containment and mitigation strategies by counties or regions that are out of compliance with one or more of the qualifying metrics for Protect Our Neighbors.

f. Authorize counties and regions to develop more detailed public health orders or guidelines for different settings as long as the capacity does not exceed the limits established by this Executive Order and any PHO issued pursuant to this Executive Order.

g. Authorize the rescission of Protect Our Neighbors status and a return to Safer at Home in the Vast, Great Outdoors for any county or region that falls out of compliance with any of the qualification metrics for Protect Our Neighbors.

F. Critical Business, Critical Government Function, Non-Critical Office-Based Business, Non-Critical Manufacturing, and Social Distancing Requirements shall have the meaning as defined in PHO 20-28, or any PHO issued pursuant to this Executive Order.

G. For the purpose of this Executive Order, local community means a county or a group of counties that have agreed to form a region for the purposes of applying for Protect Our Neighbors.

H. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order as necessary.

I. Except as modified by this Executive Order, all Executive Orders issued due to COVID-19 that are currently in effect shall remain in full force and effect as originally promulgated.

II. Duration

This Executive Order shall expire thirty (30) days from July 9, 2020, unless extended further by Executive Order.

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

Jared Polis
Governor