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EXECUTIVE ORDER

Amending, Restating, and Extending Executive Orders D 2020 039, D 2020 067, and D 2020 092 Ordering Certain Workers to Wear Non-Medical Face Coverings

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 039, D 2020 067, and D 2020 092 ordering certain workers to wear non-medical face covering and providing discretion to certain employers to deny admittance to individuals who fail to wear a medical or non-medical face covering due to the presence of coronavirus-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, and D 2020 058, D 2020 076, and D 2020 109. 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. While we have seen indications that our efforts to "flatten the curve" are working, transmission of the virus continues to threaten Coloradans' way of life and livelihoods and current data shows a recent increase in COVID infections. As we take steps to return Coloradans to work, we must continue to take measures to facilitate reopening the economy while protecting public health by taking steps to incorporate best practices to protect State and county employees from infection.

This Executive Order amends, restates, and extends Executive Orders D 2020 039, D 2020 067, and D 2020 092 to protect Coloradans by requiring certain employees to wear a non-medical mask covering their nose and mouth while at work and while serving the public. This Executive Order also protects our State and county employees and the individuals they serve

from infection by ensuring that masks are worn within Government Offices and Facilities, and provides discretion to certain employers to deny admittance to individuals who fail to wear a medical or non-medical face covering.

II. Directives

A. I direct the Executive Director of CDPHE to issue a public health order requiring that employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses where employees, contractors, or others who interact in close proximity with other employees or with the public must:

1. Wear medical or non-medical cloth face coverings that cover the nose and mouth while working, except where doing so would inhibit that individual's health; and

2. Wear gloves, as appropriate by industry standards, when in physical contact with customers or goods if gloves are provided to workers by their employer.

B. I direct that to better protect employees of Government Offices and Facilities and the public that they serve and to avoid a public health hazard, Government Offices and Facilities must require and enforce, as a condition of ingress or movement within such locations, that all employees who interact in close proximity with other employees or with the public and all members of the public must wear medical or non-medical face coverings that cover the nose and mouth, except where doing so would inhibit that individual's health or where law enforcement or physical identification verification functions would be inhibited by wearing a mask.

C. Nothing in this Executive Order should be construed to prevent employees or persons entering Mass Transportation Operations, Government Offices and Facilities, or Critical Businesses from wearing a surgical-grade mask or other, more protective face covering to cover the nose and mouth if that type of mask or more protective face covering is appropriate under industry standards.

D. Employers and operators of Places of Public Accommodation, Mass Transportation Operations, and Critical Businesses, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering.

E. These directives shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 et seq.), Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 et seq.), and any other relevant federal or State law.

F. Mass Transportation Operations, Government Offices and Facilities, Critical Businesses, and Places of Public Accommodation have the meaning as defined in PHO 20-28, as amended, or any PHO issued pursuant to this Executive Order.

III. Duration

Executive Order D 2020 039, as extended by Executive Order D 2020 067 and as amended and extended Executive Order D 2020 092, shall expire thirty (30) days from June 20, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067 and D 2020 092, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor