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D 2021 070

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 034, D 2020 060, D 2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, and D 2021 048 Ordering the Temporary Suspension of Certain Regulatory Statutes Concerning Juvenile Justice, Regional Centers, and Behavioral Health 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.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Order D 2020 034, as amended and extended by D 2020 060, D2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, and D 2021 048, ordering the temporary suspension of certain regulatory statutes concerning juvenile justice, regional centers, and behavioral health 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 widespread 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 and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D 2021 061, and D 2021 068. 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.

We must take action to minimize the duration of this epidemic and of the disruption to our daily lives. 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. 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.

The potential spread of COVID-19 in State facilities poses a significant threat to individuals and staff in those facilities, as well as the communities to which those individuals will return.

On April 11, 2020, I issued Executive Order D 2020 034, temporarily suspending certain regulatory statutes related to the Colorado Department of Human Services (CDHS), including Division of Youth Services centers, and public and private behavioral health facilities, to enable CDHS to respond to the pandemic and undertake efforts to prevent or contain the spread of COVID-19 in CDHS facilities. I amended and extended that Executive Order in Executive Orders D 2020 060, D 2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, and D 2021 048.

This Executive Order extends the prior Executive Orders for an additional thirty (30) days and amends those Executive Orders so that the following provisions expire: Section II.A, concerning the use of seclusion; and Section II.I, concerning detention for individuals who are eighteen years of age or older.

II. Amendments

Executive Order D 2020 034, as amended and extended by Executive Orders D 2020 060, D 2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, and D 2021 048, is amended as follows:

i. Delete Section II.A.

ii. Delete Section II.I.

iii. Sections II.C, II.E, II.F, II.G, and II.H are extended for an additional thirty (30) days.

III. Duration

Executive Order D 2020 034, as amended and extended by Executive Orders D 2020 060, D 2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, D 2021 048, and this Executive Order, shall expire thirty (30) days from March 26, 2021, unless extended further by Executive Order. In all other respects, Executive Order D 2020 034, as amended and extended by Executive Orders D 2020 060, D 2020 094, D 2020 126, D 2020 153, D 2020 177, D 2020 206, D 2020 236, D 2020 266, D 2020 291, D 2021 024, and D 2021 048, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-sixth day of March, 2021.

Jared Polis
Governor