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D 2020 138

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 Ordering Individuals in Colorado 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.* (Act), 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, D 2020 092, and D 2020 110 ordering individuals in Colorado 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. We have seen over 37,000 infections and lost over 1,700 Coloradans. 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. 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 individuals from infection.

We have learned that widespread mask use is a low cost and highly effective way to reduce the spread of COVID-19 infections by as much as 65%. Broad adoption of mask wearing in Colorado may have significant economic benefits by allowing the State to prevent re-closures of businesses and schools and, ultimately, return to our normal lives more quickly. A recent study from Goldman Sachs concluded that a federal mask mandate could save the U.S. economy

from taking a 5% hit to the Gross Domestic Product (GDP). At this time, thirty-nine Colorado counties and municipalities already have mandatory mask orders in place.

Under Executive Order D 2020 110, mask wearing is mandatory for employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses as well as for State and county employees and the individuals they serve at Government Offices and Facilities. These requirements remain intact with this Executive Order.

This Executive Order amends and extends Executive Orders D 2020 039, D 2020 067, D 2020 092, and D 2020 110 to protect Coloradans by requiring individuals in Colorado to wear a non-medical face covering over their nose and mouth, subject to several exceptions.

II. Amendments

Executive Order D 2020 110 is amended as follows:

1. Strike the words "have discretion to" in Paragraph II.D.

2. After Paragraph F, add the following new Paragraphs G through R:

G. Except as permitted by Paragraphs L, M, and N, below, all individuals over ten (10) years old must wear a face covering over their nose and mouth when entering or moving within any Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, or while using or waiting to use the services of any taxi, bus, light rail, train, car service, ride-sharing or similar service, or Mass Transportation Operations.

H. Any individual who endangers the health of others by knowingly entering or remaining in a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, in violation of the terms of this Executive Order may be subject to civil or criminal penalties, including but not limited to prosecution for trespass.

I. Except as permitted by Paragraphs L, M, and N, below, to protect workers, customers, and the community, no owner, operator, or manager of a Public Indoor Space, as such term is defined in Paragraph R of this Executive Order, may provide service to individuals or allow an individual to enter or move within that Public Indoor Space, unless the individual is wearing a face covering as required by this Executive Order.

J. Owners, operators, or managers of Public Indoor Spaces, as such term is defined in Paragraph R of this Executive Order, must post signs at entrance(s) instructing individuals of their legal obligation under this Executive Order to wear a face covering when entering or moving within a Public Indoor Space.

K. A State or local department or agency that learns that a business licensee is in violation of this Executive Order will consider whether the public health, safety or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license).

L. The following individuals are exempt from the requirements of this Executive Order:

Individuals ten (10) years old and younger; or

Individuals who cannot medically tolerate a face covering.

M. Individuals performing the following activities are exempt from the requirements of this Executive Order while the activity is being performed:

1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;

2. Individuals who are seated at a food service establishment;

3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;

4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;

5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;

6. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;

7. Individuals who are officiating at a religious service; or

8. Individuals who are giving a speech for broadcast or an audience.

N. Counties that complete certification for Protect Our Neighbors may choose to be exempt from Paragraphs G through N, and R of this Executive Order.

O. Nothing in this Executive Order should be construed to prevent individuals 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.

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

Q. Except as modified by this Executive Order, all Executive Orders or Public Health Orders, including Public Health Order 20-31, issued due to COVID-19 and that are currently in effect shall remain in full force and effect as originally promulgated.

R. For the purposes of this Executive Order, Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.

III. Duration

Executive Order D 2020 039, as extended by Executive Order D 2020 067, and as amended and extended by Executive Orders D 2020 092, D 2020 110, and this Executive Order, shall expire thirty (30) days from July 16, 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, D 2020 092, and D 2020 110, shall remain in full force and effect as originally promulgated.

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

Jared Polis
Governor