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EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 091, D 2020 123, D 2020 142, and D 2020 144 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, and D 2020 144 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, and D 2020 152. 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, and D 2020 144 by requiring that 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 at 11:00 P.M. each day.

II. Amendments

Section II of Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123, D 2020 142, and D 2020 144, is amended as follows:

1. Replace the phrase "Vulnerable Individuals" each time it appears with the phrase "individuals at risk of severe illness" in paragraphs II.A., II.E.4., II.F.2., II.H., II.I.

2. Replace II.B. with the following:

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 who have cancer;
3. Individuals who have chronic kidney disease;
4. Individuals who have chronic obstructive pulmonary disease;
5. Individuals who are immunocompromised;
6. Individual who have a body mass index of 30 or higher;
7. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
8. Individuals who have sickle cell disease;

9. Individuals who have type 2 diabetes mellitus; or

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

3. Paragraph II.O. is replaced with the following:

Effective 10:00 P.M. MDT on Saturday, August 22, 2020, pursuant to Colorado Revised Statute § 24-33.5-704(7)(h), 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), must cease alcohol beverage sales to end consumers for on-premises consumption between 11:00 P.M. MDT and 7:00 AM MDT each day. 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 after 11:00 P.M. MDT but takeout alcohol beverage sales are not permitted after 11:00 P.M. MDT.

4. Add new Paragraphs II.P., II.Q., and II.R. are added to the end of Section II:

P. Nothing in this Executive Order prohibits on-premises licensees licensed pursuant to C.R.S. § 44-3-413 from selling or serving alcohol beverages to guests in sleeping rooms via room service after 11:00 P.M. MDT.

Q. Nothing in this Executive Order changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.

R. All licensees licensed pursuant to Articles 3, 4 and 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), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. All such on-premises licensees remain subject to the requirements of any applicable, effective Public Health Orders.

III. Duration

Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123 D 2020 142, D 2020 144, and this Executive Order, shall expire thirty (30) days from August 21, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 091, as amended and extended by Executive Orders D 2020 123, D 2020 142, and D 2020 144 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-first day of August, 2020.

Jared Polis
Governor