

July 21, 2020

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19, which, on March 16, 2020, was extended by the City Council for the City and County of Denver through May 11, 2020 due to the risk of spread of COVID-19.

Since that time, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, has issued numerous public health orders to implement measures to mitigate the spread of COVID-19 within the City and County of Denver.

These public health orders have restricted access to certain facilities; restricted mass gatherings of people; closed restaurants and bars to in-person services; and implemented stay at home requirements and critical business operations. In conjunction with steps taken by the Governor and the Colorado Department of Public Health and Environment, these measures all act in concert to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus.

The United States Centers for Disease Control and Prevention (“CDC”), Colorado Department of Public Health and Environment (“CDPHE”), and the DDPHE have recommended that members of the public, when they need to interact with others outside the home, and especially in settings where many people are present, should cover the mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, talk, cough, or sneeze. Moreover, people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people with COVID-19 have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others.

On April 17, 2020, the Governor of the State of Colorado issued an Executive Order D2020-039 requiring workers in critical businesses and critical government functions to wear a non-medical mask covering their nose and mouth while at work and while serving the public, and directing the Executive Director of CDPHE to issue a public health order consistent with the directives in the executive order (“EO D2020-039”).

On April 22, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order requiring employees who work in close proximity to other employees or with the public to wear a non-medical or medical face covering unless

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doing so would inhibit the individual's health, and recommending that these employees wear gloves if gloves are provided by their employer ("CDPHE PHO 20-26").

On April 26, 2020, the Governor of the State of Colorado issued an Executive Order D2020-044, otherwise known as the "Safer at Home" order, permitting the limited reopening of certain institutions and businesses in Colorado, and directing the Executive Director of the Colorado Department of Public Health and Environment to issue a public health order consistent with the directives in the executive order ("EO D2020-044").

On April 26, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order implementing the Safer at Home requirements, which was subsequently amended on May 4, May 8, May 14, May 26, June 2, June 5, and June 19 ("CDPHE PHO 20-28").

On May 14, 2020, the Executive Director of DDPHE, pursuant to §24-16 of the Denver Revised Municipal Code, issued a Face Covering Order requiring the use of medical or non-medical cloth face coverings in certain public settings, which was subsequently amended on July 7, 2020 ("DDPHE Face Covering Order").

On May 16, 2020, the Governor of the State of Colorado issued an Executive Order D2020-067 extending Executive Order D2020-039 another additional thirty (30) days from May 16, 2020. ("EO D2020-067").

On June 4, 2020, the Governor of the State of Colorado issued an Executive Order D2020-092, amending Executive Orders D2020-039 and D2020-067 to provide discretion to employers and operators of places of public accommodation to deny admittance or service and require the removal of any individual who fails to wear a face covering ("EO D2020-092").

On June 20, 2020, the Governor of the State of Colorado issued an Executive Order D2020-110 amending and restating Executive Orders D2020-039, D2020-067, and D2020-092 requiring employees, contractors, and others providing services for mass transportation operations, critical businesses, and government offices and facilities to wear face coverings if they interact in close proximity with other employees or with the public; and extending EO D2020-039, as extended by EO D2020-067 and as amended and extended by EO D2020-092, for thirty (30) days from June 20, 2020 ("EO D2020-110").

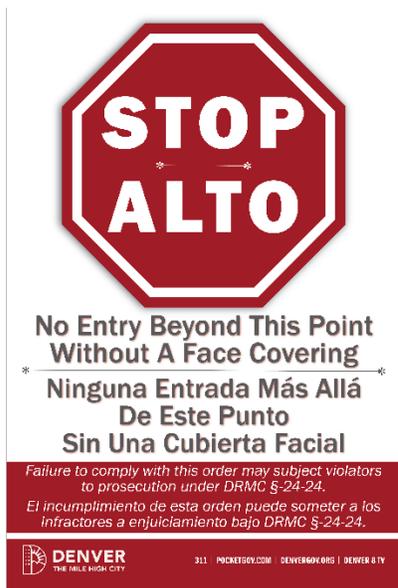
On June 30, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statutes §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order requiring face coverings for all employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses, including Government Offices and Facilities, who interact in close proximity with other employees or with the public ("CDPHE PHO 20-31").

On July 16, 2020, the Governor of the State of Colorado issued an Executive Order D2020-138 amending and extending Executive Orders D2020-039, D2020-067, D2020-092, and D2020-110 ordering individuals over ten (10) years old in Colorado to wear medical or non-medical face coverings when entering or moving within any Public Indoor Space (with some limited exceptions), to require owners or managers to refuse service and entry to any individuals not wearing a face covering, and to require signage at entrances instructing individuals of their obligation to wear a face covering within the Public Indoor Space ("EO D2020-138").

Hereby finding that wearing a face covering is a highly effective way to reduce the transmission of the COVID-19 virus, the Executive Director of DDPHE, pursuant to §24-16 of the Denver Revised Municipal Code, hereby adopts the State of Colorado’s July 16, 2020 Face Covering Executive Order “EO D2020-138” with the following additional restrictions:

1. “Face Covering,” as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely. If a worker’s Face Covering moves during work, it needs to be replaced with one that does not need to be frequently adjusted to reduce touching of the face. Face Coverings should be replaced when it becomes dirty, wet, and/or difficult to breathe through.
2. Except as specifically exempted below, all individuals three (3) years of age or older must wear a face covering over their nose and mouth when entering, inside, or moving within any Public Indoor Space, as such term is defined in EO D2020-138, 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, as that term is defined in CDPHE PHO 20-31.
3. All drivers or operators of any taxi, bus, light rail, train, car service, ride-sharing or similar service, or Mass Transportation Operations must wear a face covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle. This Order does not require any person to wear a Face Covering while driving in a private motor vehicle for personal use.
4. All individuals three (3) years of age or older must wear a face covering when entering, inside, or moving within the common area of an apartment building, condominium, or similar residential building, including lobbies, pool areas, elevators, common recreation areas, and in offices or other spaces used by the public. Face coverings may be removed while swimming and exercising in these areas pursuant to the limitations of EO D2020-138.
5. Childcare facilities should provide face coverings for children over the age of three; however, face coverings should be removed during naps and nap mats should be placed at least six (6) feet apart. Parents and caregivers must supervise the use of Face Coverings by children to avoid misuse.
6. To clarify the exemptions provided in EO D2020-138, as modified by this Face Covering Order, a face covering is not required under the following circumstances:
 - a. Individuals who are inside any enclosed indoor area that is not accessible to the public, such as a private office or cubicle, when other individuals are not present.
 - b. Individuals who are testifying as witnesses in criminal proceedings who are seated behind a Plexiglas barrier or wearing a plastic face shield, so long as such individuals wear a face covering at all other times during the proceedings.
 - c. Individuals who are interpreting for participants in court proceedings, where the ability to see the mouth and hear the translation is essential to communication, so long as such language interpreters wear a face covering when not providing interpretation services.

7. No later than July 28, 2020, all owners, operators, or managers of Public Indoor Spaces, as such term is defined in EO D2020-138, must post signs in a conspicuous place at every public entrance to the facility. Signs must be clearly visible to the public, and must use the DDPHE template in a size not less than 11 inches wide and 14 inches in height, as shown below and [Required Face Covering Signage](#):



Pursuant to section 24-24 of the Denver Revised Municipal Code, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation. Enforcement actions are intended to be cumulative in nature and Denver may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

This Order shall become effective immediately, and shall continue until further notice unless rescinded, superseded, or amended in writing by the Executive Director of the Denver Department of Public Health and Environment, and shall remain in full force and effect whether or not EO D2020-138 or related face covering orders are rescinded by the State.

Issued by:

Robert M. McDonald
Public Health Administrator, City & County of Denver
Executive Director, Denver Dept of Public Health & Environment