

**SUBJECT: ORDINANCE NO. 1793, SERIES 2020 – AN EMERGENCY
ORDINANCE REQUIRING THE WEARING OF FACE
COVERINGS IN PLACES OF PUBLIC ACCOMMODATION
WITHIN THE CITY**

DATE: MAY 5, 2020

PRESENTED BY: KATHLEEN KELLY, CITY ATTORNEY

SUMMARY:

On April 26, 2020, Governor Polis issued Executive Order D2020-44, introducing the “Safer at Home” phase of slightly relaxed regulation from the previous “Stay at Home” approach to preventing the spread of COVID-19. This order is not yet applicable within the City of Louisville because on April 24, 2020, Boulder County Public Health issued a Public Health Order that continued in effect the Stay-at-Home order for those persons residing in Boulder County until May 8, 2020.

Neither the Stay-at-Home order nor the Safer at Home order requires mask wearing in public. The Colorado Department of Public Health and Environment (“CDPHE”) Public Health Order 20-26 requiring face coverings applies only to employees of critical businesses and critical government functions who may routinely or consistently come within 6 feet of other workers or the public. It does not require the following persons to wear face coverings: employees of non-critical businesses; employees of critical businesses and critical government functions, if those employees do not routinely come within 6 feet of other workers or the public; or members of the public who are not employees of critical businesses or critical government functions.

In anticipation of the “Safer at Home” phase becoming applicable within the City following expiration of the Boulder County Public Health Order, the City Council directed staff to draft for its review an emergency ordinance that would require face coverings be worn in places of public accommodation within the City, by both employees and the public.

The attached emergency ordinance has been drafted to include the following, all of which are subject to City Council consideration and may be revised or deleted prior to adoption:

- Face coverings would be required only in places of public accommodation, with certain exceptions. Face coverings would not be required outdoors.
- Owners, or those in “responsible control” (ie, managers) of these public accommodations must require those entering their premises to wear face coverings.
- The CDC’s guidance specifies how to wear face coverings, but these specifications were not included as requirements for face coverings compliant with

the City’s ordinance. The intent is to be flexible with how and what people use for face coverings, to make it easier for people to comply.

- Exceptions include that face coverings need not be worn by children under the age of 2, consistent with the attached CDC guidelines, and in childcare settings children under the age of 3 and children of any age while napping shall not be required to wear face coverings, consistent with CDPHE guidelines.
- Requirements for people dining in restaurants has been included, in anticipation of state and local regulations permitting that at some point between now and June 2nd.
- Proposed enforcement is two-prong: violators may be issued a summons to municipal court and/or action against a business license may be initiated. The Police Department intends to exercise its usual discretion when it comes to enforcement, with education and warnings being the typical initial response to violations.

If adopted as an emergency ordinance, the face covering requirement would become effective immediately and expire on June 2, 2020, unless earlier terminated or extended. This date was chosen for your consideration as reflecting a reasonable initial time period for the requirement that would allow the City Council to re-assess and be able to take some action at the June 2nd regular City Council meeting if deemed warranted.

FISCAL IMPACT:

None.

RECOMMENDATION:

Consideration of Ordinance No. 1793, Series 2020

ATTACHMENT(S):

1. Ordinance No. 1793, Series 2020
2. Governor’s Executive Order D2020-044 (Safer at Home)
3. CDPHE Public Health Order 20-26 (Face Coverings for Critical Businesses)
4. CDC Guidance regarding Use of Cloth Face Coverings to Help Slow the Spread of COVID-19
5. CDPHE Face Covering Guidance for Child Care Operations during COVID-19 Response

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	 Reliable Core Services
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	 Financial Stewardship & Asset Management		
<input type="checkbox"/>	 Vibrant Economic Climate	<input type="checkbox"/>	 Quality Programs & Amenities
<input type="checkbox"/>	 Engaged Community	<input type="checkbox"/>	 Healthy Workforce
<input type="checkbox"/>	 Supportive Technology	<input type="checkbox"/>	 Collaborative Regional Partner

**ORDINANCE NO. 1793
SERIES 2020**

**AN EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE
COVERINGS IN PLACES OF PUBLIC ACCOMMODATION WITHIN THE CITY.**

WHEREAS, the City of Louisville (the “City”) is a home-rule city and municipal corporation duly organized and existing under and pursuant to Article XX of the Colorado Constitution and Charter of the City; and

WHEREAS, the Novel Coronavirus 2019 (COVID-19) Pandemic is causing widespread human and economic impacts to the City of Louisville; and

WHEREAS, on March 15, 2020, the Mayor of the City of Louisville, pursuant to Chapter 2.32 of the Louisville Municipal Code and C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Louisville (the “Mayor’s Declaration”); and

WHEREAS, by Resolution No. 27 adopted on March 16, 2020, the City Council continued in effect the Mayor’s Declaration until terminated by resolution of the City Council; and

WHEREAS, on March 25, 2020, Governor Jared Polis issued Executive Order D2020-017 (the “Statewide Stay-at-Home Order”) ordering Coloradans to stay in place through April 11, 2020 due to the presence of COVID-19 in the state, and which Statewide Stay-at-Home Order was extended by the Governor through April 26, 2020; and

WHEREAS, on April 24, 2020, Boulder County Public Health (“BCPH”) issued a Public Health Order Adopting and Extending State Stay-at-Home Orders (the “Boulder County Stay-at-Home Order”), which continued in effect the terms of the Statewide Stay-at-Home order for those persons residing in Boulder County until May 8, 2020; and

WHEREAS, in the Boulder County Stay-at-Home Order, BCPH found “the health conditions that led to the issuance of [the Statewide Stay-at-Home Order] have not abated in Boulder County”; and

WHEREAS, on April 26, 2020, Governor Polis issued Executive Order D2020-044, introducing the “Safer at Home” phase of slightly relaxed regulation, which permits some non-critical businesses to open with certain restrictions beginning May 1, 2020, and which regulation will become effective within the City of Louisville upon the expiration of the Boulder County Stay-at-Home Order; and

WHEREAS, in the Safer at Home order, Governor Polis provided that nothing in such order prevents a county or municipality from adopting more protective standards than those contained in the order, including but not limited to stay at home orders, mask wearing requirements in public, or additional protective measures and, if such local measures are adopted, they will

become effective within the county or municipality without state approval; and

WHEREAS, the Centers for Disease Control and Prevention (the “CDC”) recommends the wearing of cloth face coverings in public settings where other social distancing measures are difficult to maintain, especially in areas of significant community-based transmission of COVID-19; and

WHEREAS the CDC further recommends the use of simple cloth face coverings to slow the spread of COVID-19 and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC has issued guidelines for cloth face coverings that include tutorials for both sewn cloth face coverings and making cloth face coverings out of common household textile items without sewing; and

WHEREAS, while the City Council encourages cloth face coverings meeting the CDC guidelines, “face covering” has been defined herein to increase flexibility for what may constitute a face covering and thus aid in compliance with the requirements of this Ordinance; and

WHEREAS, on April 22, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-26 requiring face coverings for employees of critical businesses and critical government functions through May 17, 2020; and

WHEREAS, the City of Louisville is a densely populated city within Boulder County, and the City Council finds that the wearing of face coverings by both employees and patrons of businesses and government facilities as set forth herein will best provide for the promotion of health and suppression of disease within the City; and

WHEREAS, the face coverings required by this Ordinance are not surgical masks or N-95 respirators, which are critical supplies that must continue to be reserved for healthcare workers and first responders, as recommended by current CDC guidance; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

WHEREAS, the City Council finds that an emergency exists because the preservation of public property, health, safety, and welfare requires the City to take immediate action to ensure the health of all City residents, public and private employees, business patrons, and to ensure recipients of government services are protected to the greatest extent possible from transmission of COVID-19 while engaging in commercial and governmental transactions within the City during the Pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Definitions. For purposes of this Ordinance, the following words and phrases shall have the following meanings:

A. *Face covering* shall mean a uniform piece of cloth or other similar material that fits snugly but comfortably against the side of the face and covers the nose and mouth.

B. *Place of public accommodation* means a place of business that is open to the public, including an office or other facility where government services may be accessed.

Section 2. Face Coverings Required. It shall be unlawful:

A. For any person to enter a place of public accommodation without wearing a face covering.

B. For any person who owns, or who is in responsible control of, a place of public accommodation to allow or permit to remain within such place of public accommodation any person who is not wearing a face covering.

Section 3. Exceptions. Nothing herein shall require the wearing of face coverings by the following:

A. Children under the age of two (2) years, except in child care environments, where children under the age of three (3) years and children of any age while napping shall not be required to wear face coverings;

B. Persons who have trouble breathing; a person who is unconscious, incapacitated, or is otherwise unable to remove the face covering without assistance; or persons for whom a face covering would cause impairment due to an existing health condition;

C. Persons working in a professional office who do not have any face-to-face interactions with the public; provided, however, if such office is located within a building containing one or more other offices or places of public accommodation, face coverings shall be worn when entering and exiting such building and may only be removed once within the professional office where such person works; and

D. Persons in restaurants that are permitted by state and county regulations to serve food for consumption on the premises, while such person in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed.

E. First responders, including police officers, firefighters, and emergency medical technicians, who shall wear face coverings to the extent practicable except when use of a face covering would interfere with their ability to perform their respective duties or would prevent clear communications regarding enforcement actions or direction and when talking on the radio.

Section 4. Required Signage. All places of public accommodation shall display at each entrance a sign provided by the City advising all persons of the requirements of this Ordinance, and that it is unlawful to enter such place of public accommodation without a required face covering.

Section 5. Violations; Penalty. Any person charged with a violation of this Ordinance, upon conviction thereof, shall be subject to the General Penalty in Chapter 1.28 of the Louisville Municipal Code, which provides for incarceration for a period not to three hundred sixty-four (364) days, a fine not to exceed two thousand six hundred and fifty dollars (\$2,650.00), or both such fine and imprisonment. As provided in Section 1.28.010.B, each and every day during any portion of which any violation is committed, continued or permitted shall be a separate violation, and the violator shall be punished accordingly.

Section 6. Violations; License Suspension or Revocation. In addition to the penalties provided in Chapter 1.28 of the Louisville Municipal Code, a violation of this Ordinance may be cause for suspension or revocation of any license issued by the City following notice and hearing before the applicable licensing authority.

Section 7. Effective Date This ordinance shall become effective upon adoption and shall continue in effect until midnight on June 2, 2020, unless earlier terminated or extended.

Section 8. More Restrictive Requirements Control. To the extent any federal, state, or county regulations, orders, or laws are enacted that are more restrictive than the requirements of this Ordinance, the more restrictive shall control.

Section 9. Provisions Severable. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 10. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 11. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 12. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare because the COVID-19 Pandemic has presented an urgent need to ensure and provide for the promotion of health and the suppression of disease by preventing the spread of the virus within the City.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 5th day of May, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney



D 2020 044

EXECUTIVE ORDER

Safer at Home

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 continuing stay at home requirements for vulnerable individuals and permitting the limited reopening of postsecondary institutions and certain business operations 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 and D 2020 032. 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. Evidence shows that social distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the increase of cases and rate of infection.

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. As we take steps to return Coloradans to work, we must continue to practice social distancing at a high level and implement other measures, such as limiting our social interactions, taking extra precautions for Vulnerable Individuals and wearing non-medical masks while in public, to

facilitate a step towards reopening the economy while protecting public health. While this is a first step toward resuming our daily lives, the State is monitoring the spread of COVID-19 and additional precautions may be necessary in the future.

This Executive Order implements a number of measures that will allow many Coloradans to return to work while we maintain a sustainable level of social distancing. In particular, this Executive Order continues Social Distancing Requirements for all Coloradans and stay at home requirements for Vulnerable Individuals, permits the limited reopening of postsecondary institutions and certain business operations, and orders the Executive Director of CDPHE to amend or issue public health orders (PHO) consistent with the directives in this Executive Order.

II. Directives

- A. Pursuant to Executive Order D 2020 041, normal in-person instruction at all P-12 schools in Colorado will be suspended until the scheduled end of the 2019-2020 regular school year. P-12 schools and school districts may use school buildings for providing services to students, educators, and families, including but not limited to: in-person small group instruction; staff professional development; food service; access to internet, devices, or instructional materials; special education services; or mental health supports. P-12 schools and school districts intending to provide these services must work in coordination with their local public health agency and must observe Social Distancing Requirements pursuant to applicable public health orders.
- B. I direct the Executive Director of the Colorado Department of Higher Education (CDHE) to work with CDPHE to identify those programs and courses at postsecondary institutions that cannot be taught remotely and require limited in-person instruction.
- C. All Vulnerable Individuals should Stay at Home, except when necessary to provide, support, perform, or operate Necessary Activities, Minimum Basic Operations, Critical Government Functions, Necessary Travel, or Critical Businesses, provided that Vulnerable Individuals cannot be compelled to perform in-person work for any business or government function, including a Critical Business or Critical Government Function.
- D. For purposes of this Executive Order, Vulnerable Individuals means:
 - 1. Individuals who are 65 years and older;
 - 2. Individuals with chronic lung disease or moderate to severe asthma;
 - 3. Individuals who have serious heart conditions;
 - 4. Individuals who are immunocompromised;

5. Pregnant women; and
 6. Individuals determined to be high risk by a licensed healthcare provider.
- E. I direct all individuals who are sick or who test positive for COVID-19 to Stay at Home except as necessary to care for themselves or seek medical care.
- F. I direct employers to accommodate workers with childcare responsibilities and workers who live in the same household as a Vulnerable Person to the greatest extent possible by promoting telecommuting or other remote work options, flexible schedules, or other means.
- G. I direct the Colorado Civil Rights Division within the Department of Regulatory Agencies and CDPHE to provide guidance to prevent discrimination in the workplace related to COVID-19. Employers must provide reasonable accommodation and are prohibited from discriminating against employees who are showing symptoms of COVID-19 or who have been in contact with a known positive case of COVID-19.
- H. I direct the Executive Director of CDPHE to issue a new or amended PHO consistent with the directives in this Executive Order. The new or amended PHO must:
1. Advise Coloradans to wear non-medical cloth face coverings that cover the nose and mouth whenever in public;
 2. Order Coloradans to limit:
 - i. Social interactions to the greatest extent possible except as required to conduct Necessary Activities; and
 - ii. Essential Travel to within their county of residence or employment as much as possible and recreational travel to no further than ten (10) miles from their residence.
 3. Prohibit public gatherings of ten (10) persons or more in both public spaces and private commercial venues.
 4. Strongly encourage all Critical Businesses, Critical Government Functions, Non-Critical Retail, and Non-Critical Commercial Businesses to allow workers to telecommute whenever possible.
 5. Require all Critical Businesses, Critical Government Functions, Non-Critical Retail, and Non-Critical Commercial Businesses to make work accommodations for Vulnerable Individuals, who remain subject to Stay at Home requirements. Employers must also be encouraged to make

accommodations for individuals living in the same household as a Vulnerable Individual, and for individuals with childcare responsibilities.

6. Permit all Critical Businesses and Critical Government Functions to continue to operate with mandatory Social Distancing Requirements and cleaning protocols.
 7. Permit Non-Critical Retail to operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery, and, beginning May 1, 2020, permit Non-Critical Retail to allow customers onto their premises in a manner allowing for strict compliance with mandatory Social Distancing Requirements similar to the requirements for Critical Retail.
 8. Permit Places of Public Accommodation to continue to offer food and beverage using delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in an existing Executive Order or PHO and in accordance with mandatory Social Distancing Requirements.
 9. Issue appropriate guidelines for classes and programs identified in consultation with the Executive Director of CDHE pursuant to paragraph II.B., above.
 10. Beginning on May 4, 2020, permit Non-Critical Commercial Businesses to allow up to fifty percent (50%) of their employees to conduct in-person work that takes place outside a private residence in accordance with Mandatory Social Distancing Requirements and protocols.
 11. Ensure that Critical Businesses, Critical Government Functions, Non-Critical Commercial Businesses, and Non-Critical Retail with over fifty (50) employees in any one location follow protocols established by PHO, including but not limited to symptom screening and temperature check stations, closure of common areas, cleaning protocols, and Mandatory Social Distancing Requirements and protocols.
- I. Any new or amended PHO issued pursuant to this Executive Order must identify or develop:
1. Mandatory Social Distancing Requirements and protocols to be implemented by all employers, identifying any specific protocols for certain employers based on the nature of their work, including proper face and hand coverings to be used;

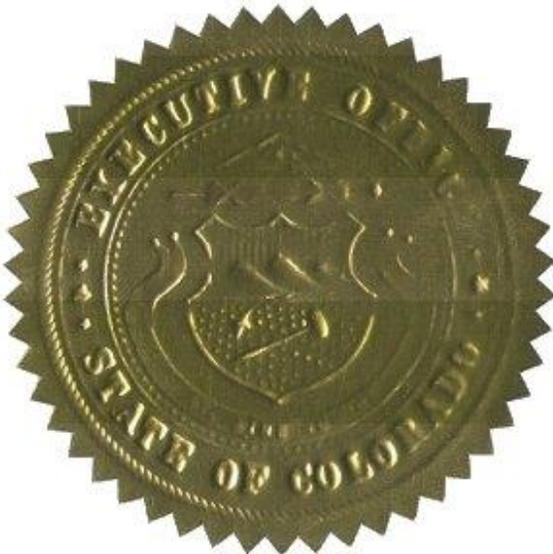
2. An amended definition of Vulnerable Individual consistent with this Executive Order; and
 3. Operations requirements for Non-Critical Retail and Critical Retail.
- J. I direct the Executive Director of the Colorado Department of Labor and Employment (CDLE) to promulgate and issue temporary emergency rules to amend the Colorado Health Emergency Leave with Pay Rules found in 7 CCR 1103-10 to cover individuals returning to work under this Executive Order and to extend paid sick leave coverage to up to two-thirds pay for fourteen (14) days if a worker has tested positive for COVID-19, has COVID-like symptoms, or has been directed to quarantine or isolation due to COVID-19 concerns.
- K. I direct the Executive Director of CDLE to promulgate and issue temporary emergency rules pursuant to C.R.S. § 8-73-108(4)(c) and guidance to ensure that workers, and particularly workers who are Vulnerable Individuals, are not in danger of losing unemployment insurance eligibility for refusal to return to COVID-19-related demonstrable, unsafe working conditions.
- L. Terms in this Executive Order, including Stay at Home, Necessary Activities, Minimum Basic Operations, Critical Government Functions, Necessary Travel, Critical Businesses, Places of Public Accommodation, Critical Retail, Social Distancing Requirements, and Vulnerable Individuals have the meaning as defined in PHO 20-24 and PHO 20-22, as amended, or any PHO issued pursuant to this Executive Order.
- M. Any county wishing to apply for a local variance from part or all of this Executive Order must submit a written application to CDPHE certifying that the county has low case counts of COVID-19 cases or can document fourteen (14) consecutive days of decline in COVID-19 cases reported in the county. The application must include a written COVID-19 suppression plan approved by the appropriate local public health authority, all hospitals within the county (unless no hospitals are located in the county), and a majority of the county commissioners, or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council.
- N. CDPHE shall review and approve a county-specific COVID-19 suppression plan that meets CDPHE's public health standards. CDPHE shall not provide COVID-19 preparedness grant funding to any county that implements measures that are less restrictive than the standards contained in this Executive Order if the county did not first obtain approval from CDPHE to adopt such less restrictive standards.
- O. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order as

necessary, including but not limited to stay at home orders, mask wearing requirements in public, or additional protective measures. If adopted, such measures shall take effect in the county or municipality without the need for further approval by the State.

1. Except as modified by this Executive Order, all Executive Orders issued due to COVID-19 that are currently in effect shall remain in full force and effect as originally promulgated.

III. Duration

This Executive Order shall expire thirty (30) days from April 27, 2020, unless extended further by Executive Order.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
twenty sixth day of April,
2020

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor



PUBLIC HEALTH ORDER 20-26 FACE COVERINGS FOR CRITICAL BUSINESSES

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 0139 Ordering Workers in Critical Businesses and Critical Government Functions to Wear Non-Medical Face Coverings** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. Further, as there is substantial evidence of community spread of COVID-19 throughout the State, it is crucial to take measures now that can mitigate further spread of disease in our communities.

FINDINGS

1. Governor Polis issued Executive Order D 2020 003 on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; closing bars and restaurants to in-person services; and defining the terms of the Governor's stay at home requirements and critical business designations. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. PHO 20-24 lists numerous critical businesses and government functions that must continue during our response to this pandemic. As many employees of Critical Businesses and Critical Government Functions serve in public-facing roles, in doing these jobs, they are risking that they may become ill through contact with others, and also that if they are ill and they may not know it, they may infect others. To protect against further spread of disease, Governor Polis has ordered that all workers in Critical Businesses and Critical Government Functions where workers interact in close proximity with other employees or with the public 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 also, to the extent possible, wear gloves when in contact with customers or goods if gloves are provided to workers by their employer.

ORDER

I. Face Coverings. All employees of Critical Businesses or performing Critical Government Functions who work in close proximity to other employees or with the public shall wear a medical or non-medical face covering to help prevent the spread of disease. Employers who operate Critical Businesses or manage Critical Government Functions should make every effort to provide their workforce with medical or non-medical face coverings. Unless working in a healthcare setting, employers should provide non-medical face coverings for their employees. Employers shall make every effort to assign employees who cannot wear face coverings for health or safety reasons to perform work that does not bring the worker into close proximity with other employees or the public.

A. Workers who may routinely or consistently come within 6 feet of other workers or the public are considered to be in close proximity to others and must wear a medical or non-medical face covering that covers the worker's nose and mouth, unless doing so would inhibit the individual's health. Workers with health issues that preclude them from wearing a face covering must document those concerns with their employer.

B. A worker may use a face covering provided by their employer, if available, or may choose to use their own face covering. Cloth face coverings 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. Workers should replace face coverings when theirs becomes dirty, wet, and/or difficult to breathe through.

C. Workers who prepare or handle food that will be made available to the public for purchase, such as restaurant or grocery store workers, must wear a face covering while performing tasks involving food preparation and handling.

D. As directed in **Executive Order D 2020 039**, workers in the congregate care settings identified in **Amended Public Health Order 20-20**, and all third parties entering congregate care settings must wear face coverings in the workplace.

II. Gloves. All employees of Critical Businesses or performing Critical Government Functions who come into contact with customers or goods should wear gloves, if gloves are provided by their employer. Employees in food and child care industries shall minimally utilize disposable gloves as normally required by their governing regulations. Employees that are

directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.

III. Enforcement. This order will be enforced by any appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties including a fine of up to one thousand (1,000) dollars and imprisonment in the county jail for up to one year, pursuant to 25-1-114, C.R.S.

IV. Severability. If any provision of this PHO to the application thereof to any person or circumstance is held to be invalid, the remainder of the PHO, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this PHO are severable.

VII. Duration. This PHO shall become effective at 6:00 a.m. on Thursday April 23, 2020 and will continue to be in effect until 11:59 p.m. on May 17, 2020, unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

April 22, 2020

Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

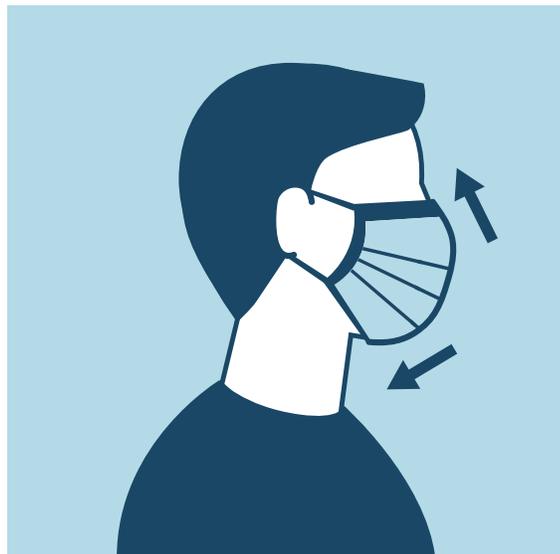
Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

How does one safely remove a used cloth face covering?

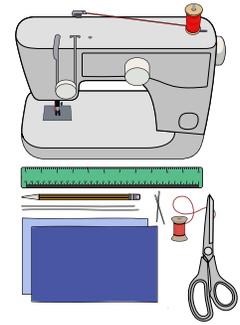
Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



Sewn Cloth Face Covering

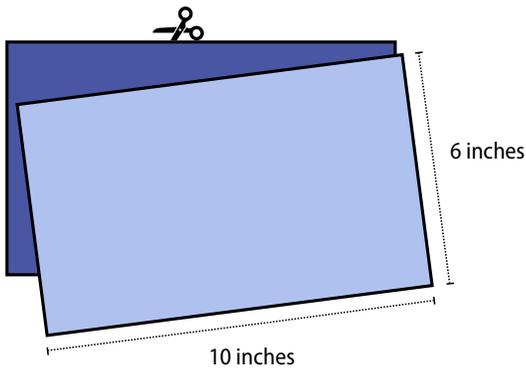
Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

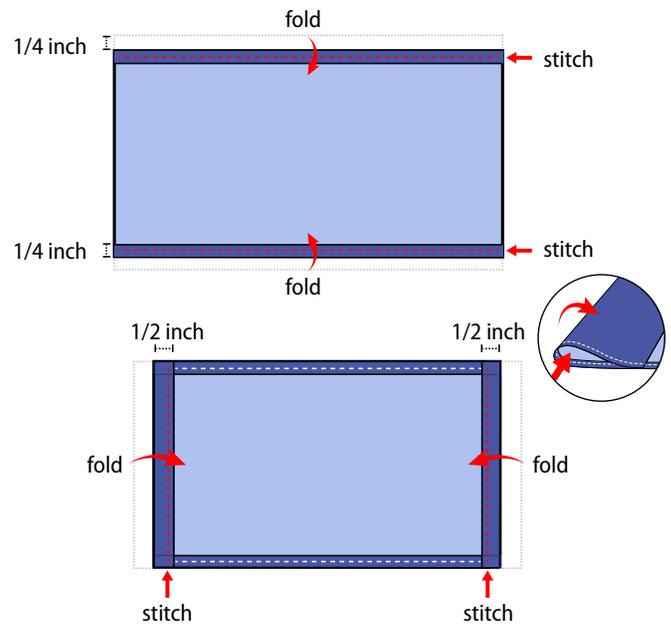


Tutorial

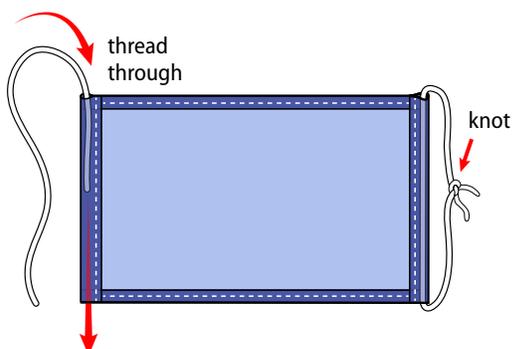
1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the cloth face covering as if it was a single piece of fabric.



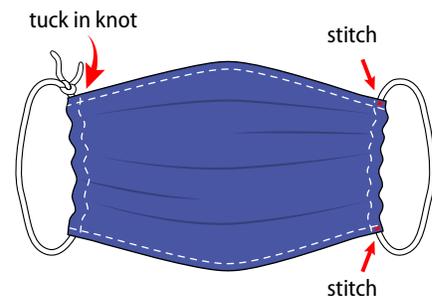
2. Fold over the long sides $\frac{1}{4}$ inch and hem. Then fold the double layer of fabric over $\frac{1}{2}$ inch along the short sides and stitch down.



3. Run a 6-inch length of $\frac{1}{8}$ -inch wide elastic through the wider hem on each side of the cloth face covering. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the cloth face covering behind your head.



4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the cloth face covering on the elastic and adjust so the mask fits your face. Then securely stitch the elastic in place to keep it from slipping.

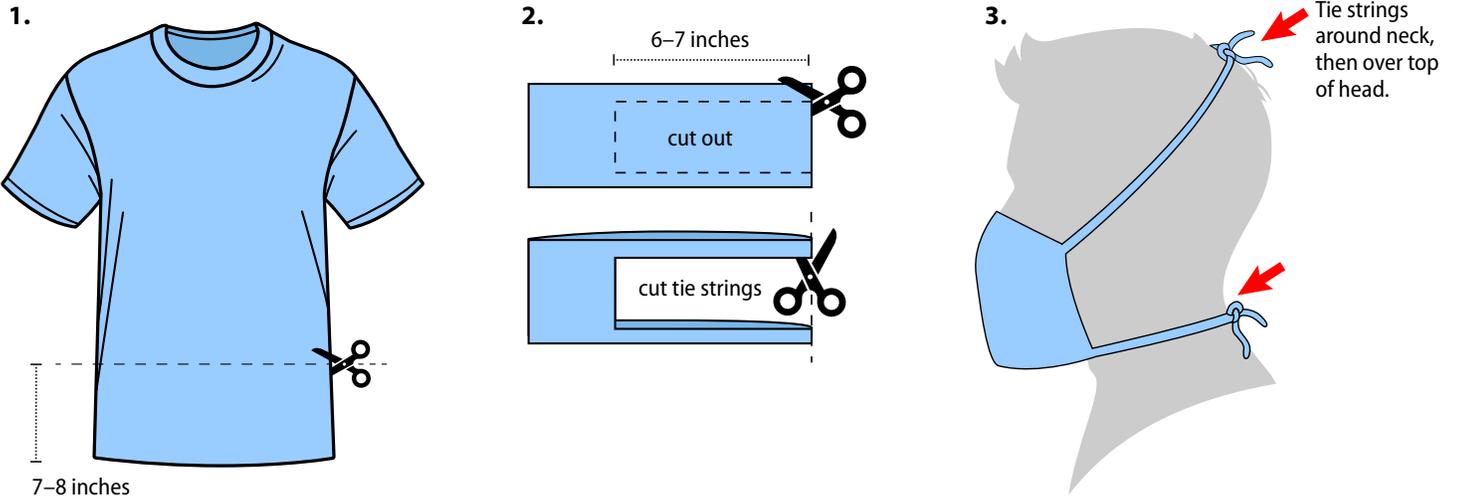


Quick Cut T-shirt Cloth Face Covering (no sew method)

Materials

- T-shirt
- Scissors

Tutorial

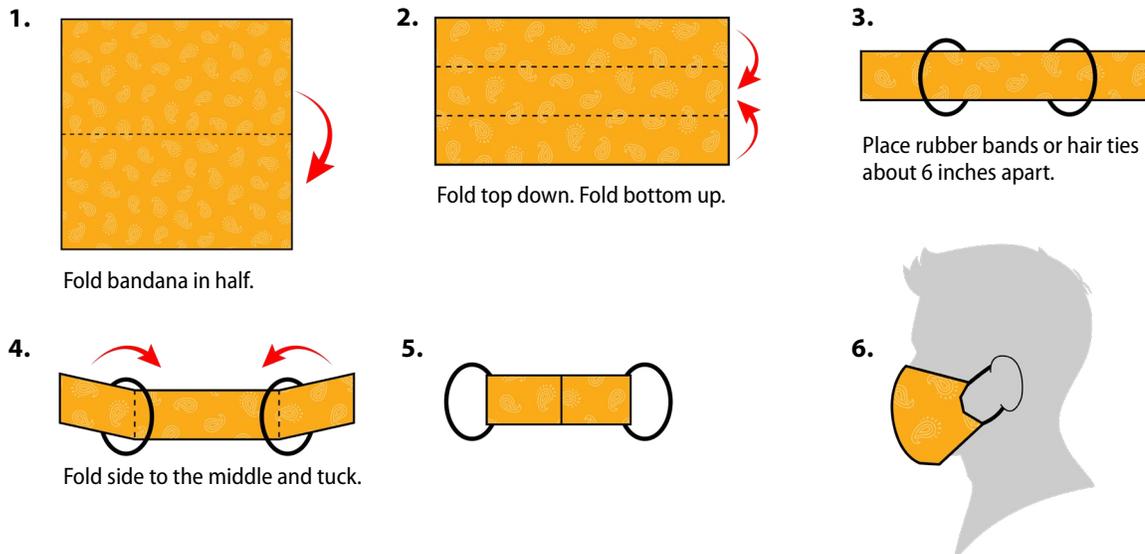


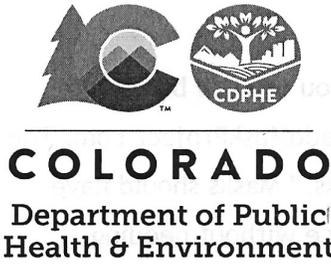
Bandana Cloth Face Covering (no sew method)

Materials

- Bandana (or square cotton cloth approximately 20"x20")
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

Tutorial





Coronavirus Disease 2019

COVID-19

Face Covering Guidance for Child Care Operations

Face Covering Guidance for Child Care Operations during COVID-19 Response

Child care providers are essential and must be protected

Providers and the children in their care must stay healthy and safe in order for care to continue. Group size, social distancing, screening for signs of illness, handwashing, respiratory etiquette, and disinfecting remain essential for keeping child care safe, opened, and operating.

Our state is now recommending face coverings or non-medical masks for all Coloradans when they leave their homes and all essential workers who interact with the public. Science is telling us that some people may spread COVID-19 even when they do not have symptoms. Wearing a non-medical mask protects others by reducing the droplets and viral particles that spread between people as we talk and interact -- especially in situations where a physical distance of 6 feet cannot be maintained.

Who should wear a mask or face cover while in the facility

Although CDC recommends that children under 2 should not wear a facemask, the child care environment poses unique challenges since groups of up to 10 young children may be supervised by one caregiver for several hours at a time. For that reason, our recommendation is that children under the age of 3 within the child care should not wear masks and no child should wear a mask while napping.

Additionally, children between the age of 3 and 5 should be supervised if they are wearing a mask. If the mask is creating discomfort or resulting in the child touching their face frequently, reconsider whether a mask is appropriate for that child. Parents dropping off and picking up children should be asked to wear masks while they are at the facility. Masks are required for staff caring for children and interacting with parents to the extent possible and as long as it doesn't impact the health of the wearer. Masks for children over 3 who are not napping are recommended but not required.

Where do I get a mask?

Non-medical masks can be purchased or made with materials you have at home. You can use bandanas, scarves or even fabric from an old shirt. Simple instructions can be found at [ColoradoMaskProject.com](https://coloradomaskproject.com). The CDC has a video <https://youtu.be/tPx1yqvJgf4> or you can Google “CDC cloth masks.” Masks should have multiple layers of fabric, fully cover your nose and mouth, be snug and stay in place without needing adjustments while you perform day to day tasks.

How to wear a mask or face cover while in the facility

Choose a face covering that will stay in place and not need adjustment as you perform day to day tasks. Masks must be clean, free of holes and must not restrict your breathing. Avoid touching your face, eyes, nose and mouth as much as possible including while putting on and taking off your mask. Always wash your hands before putting on your mask, after taking it off and anytime you touch your mask.

When to wash your mask or face covering

Masks should be washed after each day of use and anytime they become soiled. Be sure to dry the mask completely between uses. We recommend washing and drying your mask on the highest heat setting of the washer and dryer. It’s a good idea to have more than one mask or face covering available to allow time for washing and drying after each use.