



AMENDED PUBLIC HEALTH ORDER 20-31
FACE COVERINGS FOR CRITICAL BUSINESSES AND MASS TRANSPORTATION
OPERATIONS
July 21, 2020

PURPOSE OF THE ORDER

I issue this Amended Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 110 Ordering Certain Workers to Wear Non-Medical Face Coverings**, as amended and extended by **Executive Order D 2020 138**, 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 20-28 Safer at Home**, as amended, lists numerous critical businesses and government functions that must continue during our response to this pandemic. As many employees of **Critical Businesses**, including **Critical Government Functions**, and **Mass Transportation Operations** 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**, including **Critical Government Functions**, and **Mass Transportation Operations** 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, wear gloves as appropriate by industry standards when in contact with customers or goods if gloves are provided to workers by their employer.

4. **Executive Order D 2020 110**, as amended and extended by **D 2020 138**, contains additional face covering requirements beyond what is required in this Order. This Order applies to all employees, contractors, and others providing services for Critical Businesses, including Government Offices and Facilities, and Mass Transportation Operations.

ORDER

I. Face Coverings. Pursuant to **Executive Order D 2020 110**, as amended and extended by **Executive Order D 2020 138**, 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 must wear a medical or non-medical cloth face covering that covers the nose and mouth while working, except where doing so would inhibit that individual's health. Employers who operate **Critical Businesses** or manage **Government Offices and Facilities** 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, 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.

II. Gloves. All employees, contractors, and others providing services for **Mass Transportation Operations** and **Critical Businesses**, including **Government Offices and Facilities**, must wear gloves, as appropriate by industry standards, when in physical contact with customers or goods if gloves are provided to workers by their employer.

III. Definitions.

A. **Critical Business** shall have the same meaning as defined in **Public Health Order 20-28**, as amended.

B. **Government Offices and Facilities** means any building or office owned or leased by a state or local government entity that is used for the purpose of state or local government business, including the provision of services to the public.

C. **Mass Transportation Operations** means a coordinated system of transit modes providing transportation for use by the general public, including bus and light rail services, and other providers under contract with a transit or government agency providing critical transportation services.

D. **Places of Public Accommodation** means, as defined in section 24-34-601, C.R.S., any place of business engaged in any sales to the public and any place offering services, facilities, privileges, advantages, or accommodations to the public, including but not limited to any business offering wholesale or retail sales to the public; any place to eat, drink, sleep, or rest, or any combination thereof; any sporting or recreational area and facility; any public transportation facility; a barber shop, bathhouse, swimming pool, bath, steam or massage parlor, gymnasium, or other establishment conducted to serve the health, appearance, or physical condition of a person; a campsite or trailer camp; a dispensary, clinic, hospital, convalescent home, or other institution for the sick, ailing, aged, or infirm; a mortuary, undertaking parlor, or cemetery; an educational institution; or any public building, park, arena, theater, hall, auditorium, museum, library, exhibit, or public facility of any kind whether indoor or outdoor.

IV. 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.

V. 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.

VI. Duration. This Amended PHO shall become effective on Tuesday July 21, 2020 and will continue to be in effect until 11:59 p.m. on August 15, 2020, unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

July 21, 2020