



## D 2021 103

### EXECUTIVE ORDER

**Amending, Restating, and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, D 2021 079, and D 2021 095 Ordering Individuals in Colorado to Wear Face Coverings in Certain Settings**

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, restating, and extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, D 2021 079, and D 2021 095, ordering individuals in Colorado to wear a medical or non-medical face covering in certain settings 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 we have evidence of widespread 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 and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D 2021 061, D 2021 068, D 2021 087, and D 2021 102. 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.

Coloradans started to access the COVID-19 vaccine on December 14, 2020, and the general population of the State of Colorado became eligible to receive the COVID-19 vaccines on April 2, 2021. As more and more individuals are vaccinated in Colorado and throughout the

globe, evidence is growing that those who are fully vaccinated can safely resume their normal activities without fear of contracting or spreading COVID-19. On May 13, 2021, the Centers for Disease Control and Prevention (CDC) outlined new mask guidance for vaccinated and unvaccinated individuals. In accordance with this guidance, we must continue to take measures to facilitate reopening the economy while protecting public health by incorporating best practices to protect individuals from infection.

Executive Order D 2021 079 amended, restated, and extended the prior Executive Orders relating to face coverings. Executive Order D 2021 095 amended and extended Executive Order D 2021 079. This Executive Order amends, restates, and extends the prior Executive Orders relating to face coverings to align guidance in Colorado with the new CDC guidance.

## **II. Directives**

- A. Any individual, age eleven (11) and older, who is not fully vaccinated, is encouraged to wear a medical or non-medical cloth face covering that covers the nose and mouth when entering or within an indoor space where members of different households are present.
- B. Any fully vaccinated individual may go without any type of face covering in any setting, subject to the exceptions in this Executive Order.
- C. Notwithstanding Sections II.A and II.B above, certain individuals, age eleven (11) and older, must wear a medical or non-medical cloth face covering that covers the nose and mouth in the following settings:
  - 1. Preschool through grade 12 schools (including extracurricular activities) and child care centers and services; *however*, fully vaccinated individuals, including vaccinated children ages 16-18, in a classroom, cohort, or other group of children may remove masks where the teacher(s), caregiver(s), or other staff whose primary responsibility is education or childcare have provided proof of fully completed vaccination to their employer;
  - 2. Unvaccinated or not fully vaccinated staff of Colorado Division of Motor Vehicle offices;
  - 3. Unvaccinated or not fully vaccinated residents, staff, and visitors to congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes; except in situations where removal is authorized by the Centers for Medicare & Medicaid Services;
  - 4. Unvaccinated or not fully vaccinated residents, staff, and visitors to Prisons;

5. Unvaccinated or not fully vaccinated residents, staff, and visitors to Jails;
  6. Unvaccinated or not fully vaccinated personnel in emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures).
- D. As allowed under state law, owners, operators, and managers of any business or service may, at their discretion, continue to require individuals entering or within their locations to wear face coverings or show proof of full vaccination.
- E. For purposes of this Executive Order, an individual is "fully vaccinated" two (2) weeks after their second dose in a two-dose series of the COVID-19 vaccine, such as the Pfizer or Moderna vaccine, or two (2) weeks after their single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.
- F. The following individuals are exempt from the requirements of this Executive Order:
1. Individuals ten (10) years old and younger; and
  2. Individuals who cannot medically tolerate a face covering.
- G. Individuals performing the following activities are exempt from the requirements of Section II.C 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 enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
  3. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel;
  4. Individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service.
- H. These directives shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or State law.

- I. Nothing in this Executive Order changes or abrogates the CDC's Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be viewed here: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>

**III. Duration**

Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, D 2021 079, D 2021 095, and as amended, restated, and extended by this Executive Order, shall go into effect on May 15, 2021 and will expire on June 1, 2021, 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, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, D 2021 079, and D 2021 095, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the Executive Seal of the State of Colorado, this fourteenth day of May, 2021.

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis  
Governor