

FIRST AMENDED PUBLIC HEALTH ORDER SIMPLIFIED COVID-19 DIAL

Pursuant to C.R.S. §§ 25-1-506, 508, 509, and 516, the Tri-County Health Department (“TCHD”) hereby issues this First Amended Public Health Order so as to continue to control and slow the spread of the SARS-CoV-2 virus (“coronavirus”) and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The goal of this Order shall be to continue to control and reduce the spread of COVID-19, to protect public health, safety, and welfare, and to maintain consistent healthcare capacity in TCHD’s jurisdiction.

I. FINDINGS

Whereas, TCHD has public health jurisdiction over Adams, Arapahoe, and Douglas Counties. In furtherance of its jurisdiction, TCHD has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within its jurisdiction, as well as the power and duty to close schools and public places and to prohibit gatherings of people when necessary to protect public health, and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within TCHD’s jurisdiction as it may find necessary for the protection of public health.

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or through respiratory droplets or aerosols that people expel when they breathe, cough, or sneeze. Persons can be infected with COVID-19 and be asymptomatic yet still contagious. Persons can be contagious 48 hours before developing symptoms. Many people with COVID-19 have mild symptoms and do not recognize that they are infected and contagious and that they can unintentionally infect others. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough and/or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

Whereas, due to the presence of COVID-19 in Colorado, states of emergency were declared by the State of Colorado and the Counties of Adams, Arapahoe, and Douglas, and those states of emergency continue. In an effort to control and reduce the spread of COVID-19, various executive orders have been issued by the Governor of Colorado, and various public health orders have been issued by the Colorado Department of Public Health and Environment (“CDPHE”) and TCHD.

Whereas, there is substantial evidence of the continued spread of COVID-19 throughout TCHD’s jurisdiction. As of April 16, 2021, there are 136,989 known positive cases in Adams, Arapahoe, and Douglas Counties, and 1,694 deaths in those Counties. In addition, incidence rates (cases/100,000) have been increasing and over the past 7 days exceed 7-day rates of 100 in all three counties: Adams at 190.8, Arapahoe at 174.8, and Douglas at 231. In addition, there is evidence of spread of more contagious and potentially more severe variant strains in each county.

Whereas, scientific evidence shows that limiting interactions among people slows virus transmission and, as social distancing restrictions are relaxed, that the wearing of facial coverings by individuals while in public areas, capacity restrictions, hygienic practices, and other protocols stated herein assist in maintaining reduced virus transmission by reducing the spread of COVID-19.

Whereas, on April 16, 2021, Executive Order D-2020-235 issued by the Governor and Public Health Order 20-36 issued by CDPHE, as amended and extended, are expected to expire and the COVID-19 Dial will become non-mandatory guidance at the State level.

Whereas, vaccine access is increasing but vaccine is not yet available to everyone who wants to be vaccinated.

Whereas, hospital admission rates of County residents provides a County-specific metric that accounts for severity of cases.

Whereas, Counties in the Denver Metropolitan Area, to ensure consistency and minimize confusion for businesses and the community, desire to adopt CDPHE's COVID-19 Dial as issued on April 4, 2021, and as amended herein. Each County will be assigned to the next less-restrictive Level on the Dial, based on the County's incidence metrics under Public Health Order 20-36 as of April 16, 2021.

II. DEFINITIONS

1. Critical Business is any business that is designated as a critical business under the terms of the CDPHE "[Tenth Amended Public Health Order 20-36 COVID-19 Dial](#)" dated April 4, 2021.
2. Critical Government Function is any governmental function that is designated as critical under the terms of the CDPHE "[Tenth Amended Public Health Order 20-36 COVID-19 Dial](#)" dated April 4, 2021.

III. ORDER

Pursuant to the statutory authority granted to the Executive Director/Public Health Director of TCHD, and at the authorization and direction of the TCHD Board of Health, the following is ordered:

1. **Assignment to and Movement Between Dial Levels – April 16, 2021 and May 15, 2021**
 - a. **Phase 1: Moving Toward Full Re-opening – In Effect for 30 Days**
 - i. **Level Designation:** Upon devolution of statewide Public Health Order 20-36, on April 16, 2021, TCHD adopts the state's Dial framework, as modified below, and counties within the agency's jurisdiction will be assigned to one Level less restrictive based on their Dial incidence metric as of April 16, 2021.
 - ii. **Duration:** Between April 16, 2021 and May 15, 2021, each County will remain at this new assigned Level on the Dial.
 - iii. **Movement:** Counties will not be moved to more or less restrictive Levels during this 30-day Phase I.
 - iv. **Restrictions:** Counties must follow the Capacity Restrictions for their assigned Level located in Section III. 2. and Appendix A of this order and the Mitigation Requirements for All Sectors located in Section III. 3. of this order.
 - b. **Phase 2: Observation Period – May 16, 2021 through August 16, 2021**
 - i. **Level Designation:** Upon conclusion of Phase I on May 15, 2021, each county will be assigned to Level Clear – New Normal – 100% capacity with no Mitigation Requirements. Face covering requirements may still apply.

- ii. **Duration:** Between May 16, 2021 and August 16, 2021 – 90 days – each County will remain at Level Clear, subject to observation by TCHD.
- iii. **Movement:** Each County will begin Phase II in Level Clear. Each County may then be assigned to the Dial Level most reflective of their [rate of hospital admissions of County residents](#) as described in this section and Appendix A. Counties will be moved to more or less restrictive Levels if experiencing rates reflective of more or less restrictive Levels for 7 consecutive days over a 14-day rolling average.
 - 1) **Level Clear:** up to 2 hospital admissions of County residents per 100,000 population over a 14-day period.
 - 2) **Level Blue:** greater than 2.0 and up to 3.0 hospital admissions of County residents per 100,000 population over a 14-day period.
 - 3) **Level Yellow:** greater than 3.0 and up to 4.0 hospital admissions of County residents per 100,000 population over a 14-day period.
 - 4) **Level Orange:** greater than 4.0 and up to 5.0 hospital admissions of County residents per 100,000 population over a 14-day period.
 - 5) **Level Red:** More than 5.0 hospital admissions of County residents per 100,000 population over a 14-day period.
 - 6) **Level Purple:** More than 5.0 hospital admissions of County residents per 100,000 population over a 14-day period and hospital capacity is threatened.
- iv. **Restrictions:** Counties must follow the Capacity Restrictions for their assigned Level located in Section III. 2. and Appendix A of this Order. Mitigation Requirements for All Sectors located in Section III. 3. of this Order are not required under Level Clear.

2. Capacity Restrictions

- a. Counties shall follow the capacity restrictions set forth on Appendix A for their Level designation.
- b. Any business or activity not specifically addressed in this Order or Appendix A may operate as an Indoor or Outdoor Event, depending on whether the business or activity is indoors or outdoors.
- c. There are no local Capacity Restrictions or Mitigation Requirements in Level Clear except as provided by any statewide order or local face covering order.

3. Mitigation Requirements for All Sectors – Levels Blue, Yellow, Orange, Red & Purple

- a. All requirements in this section shall apply unless impossible or unsafe to carry out the activity or function while complying.
- b. Critical Businesses and Critical Government Functions may continue to operate, and must comply with Distancing Requirements, under all of the requirements in this Order, and any applicable executive orders or CDPHE public health orders and mandatory guidance, unless doing so would make it impossible to carry out critical functions.
- c. **Distancing Requirements**
 - i. Individuals shall maintain at least 6 feet of distance from other individuals who are non-household members. However, nothing in this section shall limit groups of up to

10 individuals from attending events together or patronizing a restaurant or bar together; and nothing in this section shall limit organized sports activities; so long as these activities comply with the requirements of this Order.

- ii. Businesses should arrange their space or seating areas to accommodate 6-foot distancing of non-household members at all times.
- iii. Shared or common indoor areas where people congregate without observing 6-foot distancing should be closed or discouraged.
- iv. Virtual meetings should occur where possible to reduce unnecessary in-person gatherings.
- v. Prioritize remote work and enable it whenever practical.
- vi. Adopt policies to reduce density, such as staggering arrivals and dismissals of employees and customers, using reservation systems, marking spaces 6-feet apart where lines tend to form, and designating separate entrances and exits.

d. Face Covering Requirements

- i. Face coverings are required pursuant to Executive Order D 2020 138, as amended and extended, and TCHD's [Face Covering Order](#), as amended and extended.
- ii. Employers should provide protective gear such as face shields and gloves, where appropriate, and face coverings.

e. Hygiene, Symptoms, Cleaning and Disinfecting

- i. Employers must require employees showing any symptoms or signs of sickness, or who has been in contact with known positive cases to stay home. Employers must ensure paid sick leave policies are consistent with state law and communicate those policies in writing to employees. See the Colorado Department of Labor and Employment's [Paid Leave Under the Healthy Families and Workplaces Act Interpretive Notice & Formal Opinion \[En Español\]](#) and [Colorado Workplace Public Health Rights Poster \[En Español\]](#).
- ii. Customers showing any symptoms or signs of sickness, or who have been in contact with known positive cases must stay home and follow isolation and quarantine guidance. Businesses should implement flexible cancellation policies to encourage customers to stay home when ill or exposed.
- iii. Follow [CDC's When and How to Wash Your Hands guidance](#).
- iv. Follow [CDC's Cleaning and Disinfecting Your Facility guidance](#).

f. Ventilation

- i. Ensure proper ventilation and maximize ventilation by adopting strategies such as opening windows whenever possible and upgrading air filters.

g. Signage

- i. Post signage that face coverings are required to enter any public indoor space per the requirements of Executive Order D 2020 138, as amended, or per the requirements of TCHD's Face Covering Order.
- ii. Post signage on good hygiene practices, including washing hands and distancing.
- iii. Post signage prohibiting anyone showing any symptoms or signs of sickness from entering.

- iv. All signage should be easy to follow and in languages employees and customers understand.
- h. Personal Social Gatherings**
 - i. Indoor Personal Social Gatherings should follow [CDC guidance on gatherings](#).
 - i. **Mass Indoor Gatherings** of 100 people or more must comply with the requirements of CDPHE's [Public Health Order 20-38](#) and may not exceed 500 people unless a variance is approved by TCHD and CDPHE.
 - j. **Outdoor ticketed, seated event venues in excess of 30,000 square feet** require CDPHE approval, in consultation with the local public health agency under CDPHE's [Public Health Order 20-38](#). Existing approved variances remain in effect.

4. Business 5 Star Certification Programs

- a. Counties may choose to continue their Business 5 Star Certification Programs under this Order.
- b. All County Program operations must comply with CDPHE's Program requirements, as stated in Tenth Amended Public Health Order 20-36, except that businesses are not required to symptom screen customers or collect contact information from customers.

IV. OTHER PUBLIC HEALTH ORDERS RELATED TO COVID-19

This Order is intended to be and shall be read and construed in concert with and as a supplement and addition to all federal, state and local laws and orders related to COVID-19.

To the extent any federal, state, or local municipal orders or laws are more restrictive than what is set forth herein, such orders or laws control.

Local municipal governments within TCHD's jurisdiction retain the authority to issue and enforce equally or more restrictive orders than are set forth herein.

V. ADVISEMENT AND ADDITIONAL INFORMATION

Along with CDPHE, TCHD is tasked with protecting public health, safety, and welfare of the citizens of Adams, Arapahoe, and Douglas Counties as it relates to epidemic and communicable diseases, including COVID-19. This Order is necessary to control transmission of that disease to persons and to maintain consistent healthcare capacity in TCHD's jurisdiction. Immediate issuance of this Order is necessary for the preservation of public health, safety, and welfare.

If you have questions regarding this Order, or to report suspected violations of this Order please contact TCHD at 303-220-9200 or view the COVID-19 information on TCHD's website at www.tchd.org. Please do not call 911 to report violations of this public health order.

This Order has the effect of law. TCHD will attempt to seek voluntary compliance through education, technical assistance and warning notices. However, this Order may be enforced by any appropriate legal means. It is unlawful for any person to willfully violate, disobey, or disregard this Order. Any person who does so may be subject to the penalties provided in C.R.S. §§25-1-516 and 18-1.3-501. In addition, if you do not comply with this Order, TCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

Any business open to the public that violates this Order, or allows or permits an individual to enter or remain in the business or on its premises in violation of this Order, may be subject to the closure of the business and/or suspension or revocation of its license by the appropriate licensing authority as provided by law.

Any person aggrieved and affected by this Order is entitled to Colorado state district court judicial review of this Order pursuant to and in accordance with C.R.S. §25-1-515. However, the aggrieved and affected person must continue to comply with the terms of this Order while his, her, or its request for judicial review is pending.

If any part or provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of this Order, 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 parts and provisions of this Order are severable.

This Order shall be in effect at 12:01 a.m. on April 16, 2021 and shall terminate at 11:59 p.m. on August 16, 2021, unless earlier amended, extended, or rescinded in writing by the Executive Director of TCHD. Any county that opted out of this order, originally issued on April 9, 2021 and in accordance with the [TCHD Board of Health Policy](#) dated November 6, 2020, can opt back in at any time through written notification to TCHD at communications@tchd.org. For a list of Counties that opted out of this order, see Appendix B.

DONE AND SIGNED, as the official Order of the Executive Director/Public Health Director of the Tri-County Health Department on this 16th day of April, 2021, at the authorization and direction of the TCHD Board of Health.

TRI-COUNTY HEALTH DEPARTMENT

A handwritten signature in black ink that reads "John M. Douglas, Jr., M.D." with a stylized flourish at the end.

By: John M. Douglas, Jr., M.D.
Executive Director

APPENDIX A:

	LEVEL CLEAR: NEW NORMAL	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
HIGH RISK POPULATIONS	Follow CDC guidance for People with Certain Medical Conditions and U.S. Equal Employment Opportunity Commission guidance on What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws . Preventive measures for COVID-19, including vaccination, are important especially if you are older or have multiple health conditions. You can learn about CDC’s COVID-19 vaccine recommendations, including how medical conditions and other factors inform recommendations, here .					
Metric for Phase II: New Hospital Admissions per 100,000 County Residents Over a 14-Day Period	Up to 2.0	Greater than 2.0 and up to 3.0	Greater than 3.0 and up to 4.0	Greater than 4.0 and up to 5.0	Greater than 5.0	Greater than 5.0 and Hospital Capacity is Threatened
PERSONAL GATHERING SIZE	No local capacity restrictions. Must still be attentive to hygiene, symptoms and sanitation and must ensure paid leave policies meet state law requirements to ensure employees remain home when sick. Employers and individuals are strongly encouraged to continue following best practices for disease mitigation.	Follow the CDC guidance on gatherings .	Follow the CDC guidance on gatherings .	Up to 10 people from no more than 2 households.	None; gatherings of 2+ people from different households prohibited.	None; gatherings of 2+ people from different households prohibited.
CHILDCARE		Open	Open	Open	Open	Open
P-12 SCHOOLS		In-person.	In-person suggested, hybrid, or remote as appropriate.	In-person suggested, hybrid, or remote as appropriate.	P-5: in person suggested, hybrid, or remote as appropriate; Middle school: in-person, hybrid, or remote suggested; High school: hybrid or remote suggested.	In-person, hybrid, or remote as appropriate.
HIGHER EDUCATION		In-person.	In-person, hybrid, or remote as appropriate.	In-person, hybrid, or remote as appropriate.	Remote suggested, limited in-person when necessary.	Remote suggested, very limited in-person when necessary.
RESTAURANTS		6ft distancing up to 100% capacity.	50% capacity up to 150 people, 6ft between parties. Outdoors, per local zoning.	25% capacity up to 50 people, 6ft between parties. Outdoors, per local zoning.	Indoor dining closed. Take out, curbside, delivery, or to go, outdoor/ open air with only groups of same household is open.	Indoor and outdoor dining closed. Take out, delivery, or to go is open.
LAST CALL FOR ON-PREMISE		2 a.m.	1 a.m.	12 a.m.	10 p.m.	No on-premise service.
SMOKING LOUNGES		50% capacity up to 25 people.	50% capacity up to 10 people.	25% capacity up to 10 people.	Closed.	Closed.
NON-CRITICAL MANUFACTURING		75% capacity.	50% capacity up to 50 people, or up to 100 with calculator.	25% capacity up to 50 people.	25% capacity up to 50 people.	10% capacity up to 25 people.
OFFICES		75% capacity.	75% capacity, remote work is strongly encouraged.	25% capacity, remote work is strongly encouraged.	10% capacity, remote work is strongly encouraged.	Remote work or Closed.
BARS		25% capacity up to 75 people.	Closed.	Closed.	Closed.	Closed.
GYMS/FITNESS	6ft distancing up to 100% capacity.	50% capacity up to 50 people, or up to 100 with calculator.	25% capacity up to 50 people.	10% capacity or 10 people indoors per room, or outdoors in groups less than 10. Reservations required.	Virtual, or 10 person capacity outdoors per activity.	
GROUP SPORTS AND CAMPS	50 person capacity per activity. Camps limited to 25 participants indoors and 50 outdoors.	25 person capacity per activity. Camps limited to 10 participants indoors and 25 outdoors.	10 person capacity per activity. Camps should be conducted virtually or with no more than 10 participants outdoors.	Virtual, or 10 person capacity outdoors with 6ft distancing.	Virtual, or 10 person capacity outdoors with 6ft distancing. Camps are closed.	

CRITICAL AND NON-CRITICAL RETAIL		75% capacity.	75% capacity.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	50% capacity with increased curbside pick-up, and delivery. Dedicated senior and at-risk hours encouraged.	Non-critical retail closed. Curbside pick-up and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible.
PERSONAL SERVICES		50% capacity up to 50 people.	50% capacity up to 50 people.	25% capacity up to 25 people.	25% capacity up to 25 people.	Closed.
LIMITED HEALTH CARE SETTINGS		50% capacity up to 50 people.	50% capacity up to 50 people.	25% capacity up to 25 people.	25% capacity up to 25 people.	10% capacity up to 25 people.
INDOOR UNSEATED EVENTS AND ENTERTAINMENT		50% capacity up to 175 people.	50% up to 50 people, or up to 150 with calculator.	25% up to 50 people with calculator.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity up to 25 people.	Closed.
INDOOR SEATED EVENTS AND ENTERTAINMENT		6ft distancing up to 100% capacity. Any Event with more than 500 people requires prior approval from TCHD and CDPHE.	50% capacity up to 150 people.	25% capacity up to 50 people.	Closed. Educational institutions including museums, aquariums and zoos may operate indoors at 25% capacity up to 25 people.	Closed.
CASINOS		Same as indoor events.	Same as indoor events.	Same as indoor events.	Closed.	Closed.
OUTDOOR SEATED AND UNSEATED EVENTS AND ENTERTAINMENT		6ft distancing up to 100% capacity. Ticketed, seated venues, 30,000sq ft or larger must obtain prior approval from CDPHE before operating.	50% capacity up to 175 people.	25% capacity up to 75 people, with calculator for unseated.	25% capacity up to 75 people, with calculator for unseated.	Closed.
OUTDOOR GUIDED SERVICES		6ft distancing up to 100% capacity.	50% capacity up to 10 people.	25% capacity up to 10 people.	25% capacity up to 10 people.	25% capacity up to 10 household members only.

Appendix B

The following jurisdictions have opted out of the requirements of this order:

Douglas County (April 13, 2021)