D 2021 103

EXECUTIVE ORDER


I. Background and Purpose


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


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

Jared Polis
Governor