

August 13, 2021

**NOTICE OF SECOND AMENDED JEFFERSON COUNTY  
PUBLIC HEALTH ORDER 21-001  
COVID-19 DIAL**

The Jefferson County Public Health Department (“JCPH”) is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, I find it necessary to adopt the CDPHE COVID-19 Dial as modified herein to continue to control and slow the spread of the SARS-CoV-2 virus and to mitigate the effects of the disease COVID-19 caused by the virus.

**FINDINGS AND NECESSITY OF ORDER**

Whereas, JCPH has public health jurisdiction over Jefferson County, Colorado (“Jefferson County”) including all cities and towns therein. In furtherance of its jurisdiction, JCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Jefferson County, 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 Jefferson County as JCPH may find necessary for the protection of public health; and

COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 213 countries, including the United States.

COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Persons infected with COVID-19 may be asymptomatic yet still able to transmit the virus. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

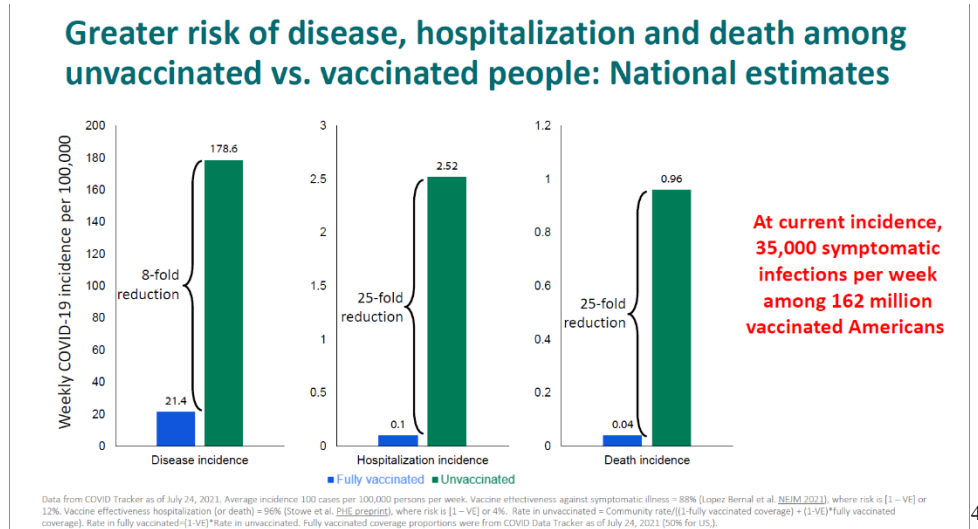
While the COVID-19 vaccines are currently available to all Coloradoans age 12 and older, estimates indicate that as of early August, only about 63% of the Colorado population is currently immune to COVID-19;<sup>1</sup> this is far short of the percentage of the population needed to reach herd immunity. In Jefferson County, 74.9% of the eligible population has received at least one (1) vaccine dose as of early August.

New variants that are more transmissible are circulating in Colorado. Due to the recent surge of Delta variant COVID-19 cases, it is now estimated that more than 80% of the population must be vaccinated to achieve herd immunity due to the high rate of transmissibility of the Delta variant.<sup>2</sup>

<sup>1</sup> Colorado School of Public Health, Briefing Report (August 4, 2021).

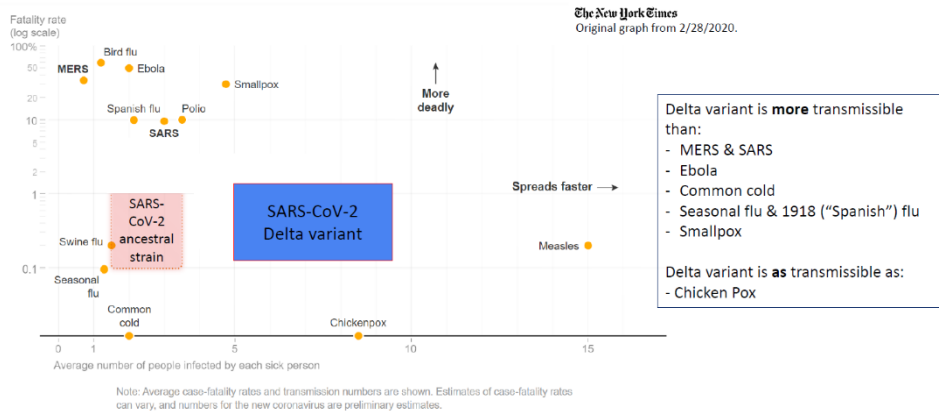
<sup>2</sup> Infectious Diseases Society of America, Media Briefing: Vaccines, the Delta Variant, and chasing Herd Immunity (August 3, 2021), available at <https://www.idsociety.org/multimedia/videos/idsa-media-briefing-vaccines-the-delta-variant-and-chasing-herd-immunity/>

The Centers for Disease Control and Prevention (“CDC”) reports that the Delta variant is nearly twice as contagious as previous variants and the greatest risk of transmission is among unvaccinated people who are much more likely to contract, and therefore transmit, the virus.<sup>3</sup>



4

### Transmission of Delta variant vs. ancestral strain and other infectious diseases



5

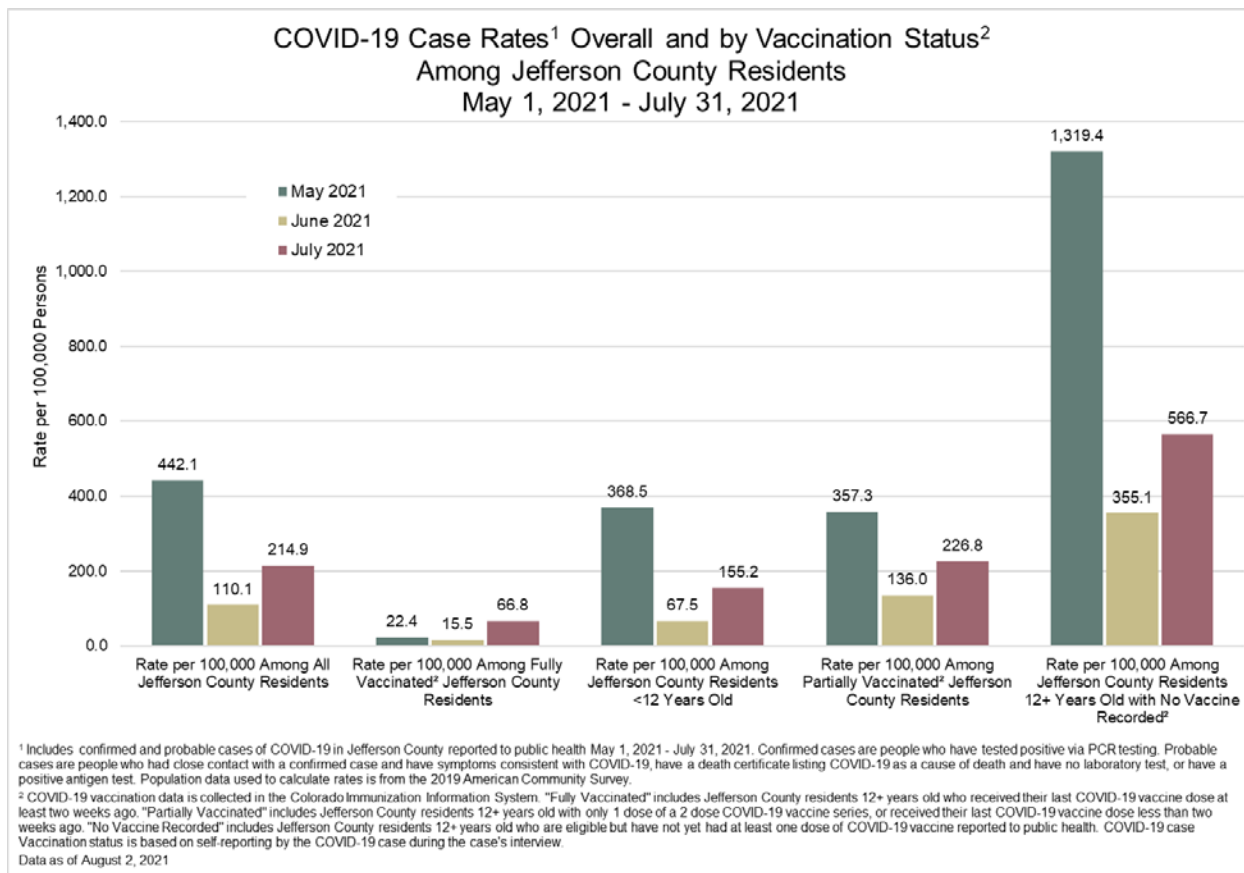
While we work as a community to reach herd immunity through vaccination, it is important that the protective measures of the COVID-19 Dial remain in place to help reduce the risk of transmission until we reach that critical threshold.

<sup>3</sup> Centers for Disease Control and Prevention, Delta Variant: What We Know About the Science (August 6, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

<sup>4</sup> Centers for Disease Control and Prevention, Improving Communications Around Vaccine Breakthrough and Vaccine Effectiveness (July 29, 2021).

<sup>5</sup> *Id.*

Although Jefferson County’s one-week incident rates have dropped from the peaks of November and December, 2020, case counts and hospitalizations have recently increased rapidly due to the presence of variants in Colorado and insufficiently high vaccination rates to achieve herd immunity. As of July 12, 2021 the 7-day new COVID-19 case rate was 23.3/100,000 and as of August 9, 2021 that rate had risen to 91.1/100,000. As of August 12, 2021, there were 588,230 known presumptive positive cases of COVID-19 statewide in Colorado, and 51,028 known presumptive positive cases in Jefferson County, Colorado, as well as 7,277 deaths due to COVID-19 statewide and 870 deaths in Jefferson County.



Hospital admission rates in Jefferson County provides a specific metric of severity of COVID-19 cases among those infected.

### *History of State and JCPH Orders*

On March 10, 2020, the Governor of Colorado declared a State of Emergency relating to the presence of COVID-19.

On March 25, 2020, the Governor of Colorado issued Executive Order D 2020-017, ordering all Coloradoans to Stay-at-Home due to the presence of COVID-19 in the state (“Stay-at-Home Order”).

On April 26, the Governor of Colorado issued Executive Order D 2020-044, Safer at Home, through May 27, 2020 (“Safer-at-Home Order”).

On June 1, 2020, the Governor of Colorado issued Executive Order D 2020-091, Safer-at-Home and in the Vast, Great Outdoors (“Safer-at-Home and in the Vast, Great Outdoors Order”), which was extended by Executive Order D 2020-213 until November 5, 2020.

Jefferson County’s movement from the Stay-At-Home Order to Safer-At-Home and in the Vast, Great Outdoors Order resulted in the easing of social distancing restrictions in Jefferson County.

On September 16, 2020, the Executive Director of CDPHE issued Public Health Order 20-35, Safer at Home Dial, which superseded and replaced Public Health Order 20-28 (“PHO 20-35”).

On November 2, 2020, the Executive Director of CDPHE issued Public Health Order 20-36, COVID-19 Dial, which supersedes and replaces Public Health Order 20-35 (“PHO 20-36”).

On April 16, 2021, PHO 20-36 expired and the COVID-19 Dial became non-mandatory guidance at the State level.

On April 16, 2021, counties in the Denver Metropolitan Area, to ensure consistency and minimize confusion for businesses and the community, adopted CDPHE’s COVID-19 Dial as issued on April 4, 2021 and as amended herein. Jefferson County assumed the restrictions of the next less-protective level on the Dial, based on the County’s PHO 20-36 metrics as of April 16, 2021.

Due to the rapid increase in COVID-19 cases and hospitalizations driven by the Delta variant, Jefferson County desires to extend the modified COVID-19 Dial as an additional measure to protect the community while vaccination efforts remain ongoing.

## INTENT

The intent of this **COVID-19 Dial Order** is to continue to control the spread of COVID-19, so as to maintain consistent healthcare capacity in Jefferson County and to protect the public health, safety, and welfare of the Jefferson County community.

## DEFINITIONS

- 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.
- 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.

## ORDER

Pursuant to the authority granted the Executive Director of Jefferson County Public Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-509(1)(c), the following is ordered:

**1. Assignment to and Movement Between Dial Levels**

**a. Phase 1: Moving Toward Full Reopening – April 16, 2021 through May 15, 2021**

- i. Level Designation:** Upon devolution of the CDPHE Public Health Order 20-36, on April 16, 2021, JCPH adopts Colorado’s COVID-19 Dial framework set forth in the 10<sup>th</sup> Amended Public Health Order 20-36, as modified below (the “Dial”), and Jefferson County will be assigned to one Level less protective based on its case incidence and positivity Dial metrics as of April 16, 2021 (“Phase 1 Level”).
- ii. Duration:** Between April 16, 2021 and May 15, 2021, Jefferson County will remain at the Phase 1 Level.
- iii. Movement:** Jefferson County will not move levels during this 30-day Phase 1 between April 16, 2021 and May 15, 2021.
- iv. Restrictions:** All businesses and activities within Jefferson County must follow the Capacity Restrictions for the Phase 1 Level located in Section 2 and Appendix A of this Order and the Mitigation Requirements for All Sectors located in Section 3 of this Order.

**b. Phase 2: Observation Period – May 16, 2021 through September 15, 2021**

- i. Level Designation:** Upon conclusion of Phase 1 on May 16, 2021, Jefferson County will move to Level Clear – New Normal – 100% capacity with no Mitigation Requirements as defined in Section 3 of this Order. Face covering requirements may still apply and State orders, if any, may still apply. In addition, municipal jurisdictions may implement their own protective measures, and this Order shall not be construed as prohibiting any business from implementing or continuing such protective measures.
- ii. Duration:** Between May 16, 2021 and September 15, 2021 – 120 days – Jefferson County will remain at Level Clear, subject to observation of COVID-19 severity metric by JCPH and movement as defined in Paragraph 1.b.iii.
- iii. Movement:** Jefferson County will begin Phase 2 in Level Clear. Jefferson County may then be assigned to the Dial Level most reflective of its COVID-19 severity metric, [rate of hospital admissions of County residents](#) as described in this section and Appendix A. Jefferson County will be moved to more or less protective Levels if experiencing rates reflective of more or less protective Levels for 7 consecutive days over a 14-day rolling average.
  - 1) **Level Clear:** up to 2.0 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 hospital admissions of County residents per 100,000 population over a 14-day period.
- 6) Level Purple: 5 or more hospital admissions of County residents per 100,000 population over a 14-day period and hospital capacity is threatened.

- iv. **Restrictions:** Jefferson County must follow the Capacity Restrictions for its assigned Level located in Section 2 and Appendix A of this Order. Mitigation Requirements for All Sectors located in Section 3 of this Order are not required under Level Clear.
- c. JCPH, in the interests of public health, safety, and welfare, reserves the right to move Jefferson County one or more Levels quicker than stated above and to implement other restrictions as circumstances warrant.

## 2. Capacity Restrictions

- a. Jefferson County shall follow the capacity restrictions set forth on Appendix A for its 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 Green, 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, 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 can 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. Business policies should be adopted 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 Coverings**
    - i. Employers should provide protective gear such as face shields and gloves, where appropriate, and face coverings.
  - e. **Hygiene, 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 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.
    - ii. Businesses and individuals are encouraged to move interactions among members of different households outside whenever possible.
  - g. **Signage**
    - i. Post signage on good hygiene practices, including washing hands and distancing.
    - ii. Post signage prohibiting anyone showing any symptoms or signs of sickness from entering.
    - iii. 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](#). This Order presumes that an indoor personal social gathering consists of 10 people or less. Indoor gatherings greater than 10 people should follow indoor events requirements as defined by the applicable level in Appendix A.
- 4. Business 5 Star Certification Programs**
- a. Jefferson County may choose to continue its Business 5 Star Certification Program under this Order.
  - b. All County Program operations must comply with CDPHE's Program requirements as stated in the 10<sup>th</sup> Amended Public Health Order 20-36, except that businesses are not required to symptom screen customers or collect contact information from customers.

### **OTHER PUBLIC HEALTH ORDERS RELATED TO COVID-19**

1. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical Face Coverings.
2. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose Face Covering requirements beyond those contained in this Order.
3. Nothing in this Order should be construed to preempt any local Public Health Orders.
4. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
5. This Order is in addition to all executive orders issued by the Governor of Colorado and all public health orders and mandatory guidance documents issued by CDPHE. If there is a conflict between this Order and any executive order, CDPHE public health order, or local public health order, the most restrictive order applies.

### **ADVISEMENT AND ADDITIONAL INFORMATION**

1. Along with CDPHE, JCPH is tasked with protecting the health and welfare of the citizens of Jefferson County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. JCPH will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means.
2. This Order has the effect of law. Pursuant to C.R.S. §§25-1-114.1 and 25-1-516, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a fine of up to one thousand dollars (\$1,000.00) per violation and imprisonment in the county jail for up to one year. For violations of this Order, JCPH 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.
3. Any business open to the public that violates the provisions of this Order may be subject to the suspension or revocation of its license by the appropriate licensing authority as provided by law and/or subject to an immediate Closure Order from JCPH.
4. If you have questions regarding this Order, please contact the JCPH at HealthEPR@jeffco.us or view the COVID-19 information on JCPH's website at [www.jeffco.us/coronavirus](http://www.jeffco.us/coronavirus).
5. This Second Amended JCPH Public Health Order 21-001 shall be in effect from April 22, 2021, at 12:01 a.m. through September 15, 2021 at 11:59 p.m.



6. **FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.**
  
7. If any provision of this Order, or its application to any person or circumstance, is held to be invalid, then the remainder of the 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 provisions of this Order are severable.

**Issued by:**



---

**R. Dawn Comstock, Ph.D  
Executive Director  
Jefferson County Public Health**

**August 13, 2021**  
**Date**

**APPENDIX A**

	Level Clear: New Normal	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
Metric for Phase 2 – Hospital Admissions per 100,000	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	More than 5.0	More than 5.0 and hospital capacity is threatened
HIGH RISK POPULATIONS		<b>Use caution</b> Eligible for worker benefits and mandatory prioritization for remote work	<b>Advised to Stay at Home</b> Eligible for worker benefits and mandatory prioritization for remote work	<b>Strongly advised to Stay at Home</b> Eligible for worker benefits and mandatory prioritization for remote work	<b>Stay at Home</b> Eligible for worker benefits and mandatory prioritization for remote work	<b>Stay at Home Ordered</b> Eligible for worker benefits and mandatory prioritization for remote work
PERSONAL GATHERING SIZE	No local capacity restrictions. Must still be attentive to hygiene and sanitation and must ensure paid leave policies meet state law requirements to ensure employees remain home when sick.	Indoor personal gatherings should follow the <a href="#">CDC guidance on gatherings</a> up to 10 people and indoor events or outdoor event for more than 10 people	Indoor personal gatherings should follow the <a href="#">CDC guidance on gatherings</a> up to 10 people and indoor events or outdoor event for more than 10 people.	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		6 feet between parties 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 or 25 people.

<b>OFFICES</b>	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.
<b>BARS</b>	25% capacity up to 75 people.	Closed.	Closed.	Closed.	Closed.
<b>GYMS/FITNESS/ Pools</b>	6 feet between parties up to 100% capacity.	50% capacity up to 50 people (or up to 100 with calculator).	25% capacity up to 50 people.	10% capacity up to 10 people indoors per room, or outdoors in groups less than 10. Reservations required.	Virtual, or 10 person capacity outdoors per activity.
<b>GROUP SPORTS AND CAMPS</b>	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.
<b>CRITICAL AND NON-CRITICAL RETAIL</b>	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.
<b>PERSONAL SERVICES</b>	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.
<b>LIMITED HEALTH CARE SETTINGS</b>	50% capacity up to 50 people.	50% capacity or 50 people.	25% capacity or 25 people.	25% capacity up to 25 people.	10% capacity or 25 people.
<b>INDOOR UNSEATED EVENTS AND ENTERTAINMENT</b>	50% capacity up to 175 people.	50% up to 50 people no calculator 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.
<b>INDOOR SEATED EVENTS AND ENTERTAINMENT</b>	6 feet distancing up to 100% capacity.	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.
<b>CASINOS</b>	Same as indoor events.	Same as indoor events.	Same as indoor events.	Closed.	Closed.
<b>OUTDOOR SEATED AND UNSEATED EVENTS AND ENTERTAINMENT</b>	6ft distancing up to 100% capacity.	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.
<b>OUTDOOR GUIDED SERVICES</b>	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 only in your own household.