

November 23, 2021

**NOTICE OF JCPH ORDER 21-006 REQUIRING  
FACE COVERINGS FOR ALL INDIVIDUALS AGES 3+  
IN PUBLIC INDOOR SPACES (JCPHO 21-006)**

Pursuant to Colorado Revised Statutes (“C.R.S”) §§ 25-1-506 and 508, Jefferson County Public Health (“JCPH”) issues this Jefferson County Public Health Order 21-006 Requiring Face Coverings for all Individuals Ages 3+ in all Public Indoor Spaces.

JCPH is working to stop the spread of Coronavirus 2019 (“COVID-19”). To support this effort, the Jefferson County Board of Health (the “Board”) finds it necessary to implement mitigation measures to require all individuals aged 3 and older to wear Face Coverings while within any public indoor space in Jefferson County. The intent of this Order shall be to control and reduce the spread of COVID-19 to prevent unnecessary deaths and serious illness, to maintain consistent health care capacity in Jefferson County, and to protect individuals who live, work, and play in Jefferson County. Additionally, this Order largely follows the Centers for Disease Control and Prevention’s (“CDC”) [Guide to Masks](#), which recommends that all individuals aged 2 and older should wear a Face Covering indoors in public areas of substantial or high transmission as defined by the [Centers for Disease Control and Prevention’s Transmission Tracker](#).

**FINDINGS AND NECESSITY OF ORDER**

**A. Jurisdiction and Authority**

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.

**B. The COVID-19 Virus and the Delta Variant**

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 primarily through person-to-person contact via respiratory droplets or aerosols.<sup>1</sup> Persons infected with COVID-19 may become symptomatic anywhere from 2 to fourteen 14 days after exposure. Symptoms include

<sup>1</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Transmission* (July 12, 2021), available at, <https://www.cdc.gov/coronavirus/2019-ncov/transmission/index.html>

fever, cough or shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea, and other symptoms.<sup>2</sup> 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 but unvaccinated individuals of all ages are at high risk of infection.

The Colorado Department of Public Health and Environment (“CDPHE”) first detected the Delta variant of the SARS-CoV-2 virus in Colorado the week of April 18, 2021. As of September 19, 2021, the Delta variant constituted 100% of all COVID-19 tests sampled for the variant in Colorado.<sup>3</sup>

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>4</sup> The Centers for Disease Control and Prevention (“CDC”) reports that the Delta variant is 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>5</sup> Some data suggests that the Delta variant may cause more severe illness than previous strains of the virus in unvaccinated persons.<sup>6</sup> Immunocompromised individuals are at an increased risk of serious, prolonged illness due to COVID-19, even after vaccination.<sup>7</sup> Moreover, fully vaccinated people with Delta variant breakthrough infections can spread the virus to others, although vaccinated people appear to be infectious for a shorter period of time.<sup>8</sup>

Certain areas of the United States have now exceeded, or are close to exceeding, hospital and ICU capacity in light of the surge of cases. The current 7-day average of hospitalizations for patients with confirmed cases of COVID-19 for November 9 through November 15, 2021 is 1,440.<sup>9</sup> This is a 7.6% increase over the previous 7-day average for the period of November 2 through November 8, 2021, which was 1,338.<sup>10</sup> In Jefferson County, the 14-day average hospitalization

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<sup>2</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Symptoms of COVID-19* (February 22, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

<sup>3</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Colorado COVID-19 Data*, available at, <https://covid19.colorado.gov/data> (last visited September 23, 2021).

<sup>4</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/>

<sup>5</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Delta Variant: What We Know About the Science* (August 26, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

<sup>6</sup> *Id.*

<sup>7</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *COVID Data Tracker Weekly Review: Easy as 1-2-3* (August 27, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/past-reports/08272021.html>

<sup>8</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Delta Variant: What We Know About the Science* (August 26, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

<sup>9</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *COVID Data Tracker: Prevalent Hospitalizations of Patients with Confirmed COVID-19, Colorado* (Aug 01, 2020 – November 15, 2021), available at, <https://covid.cdc.gov/covid-data-tracker/#hospitalizations> (last visited November 18, 2021).

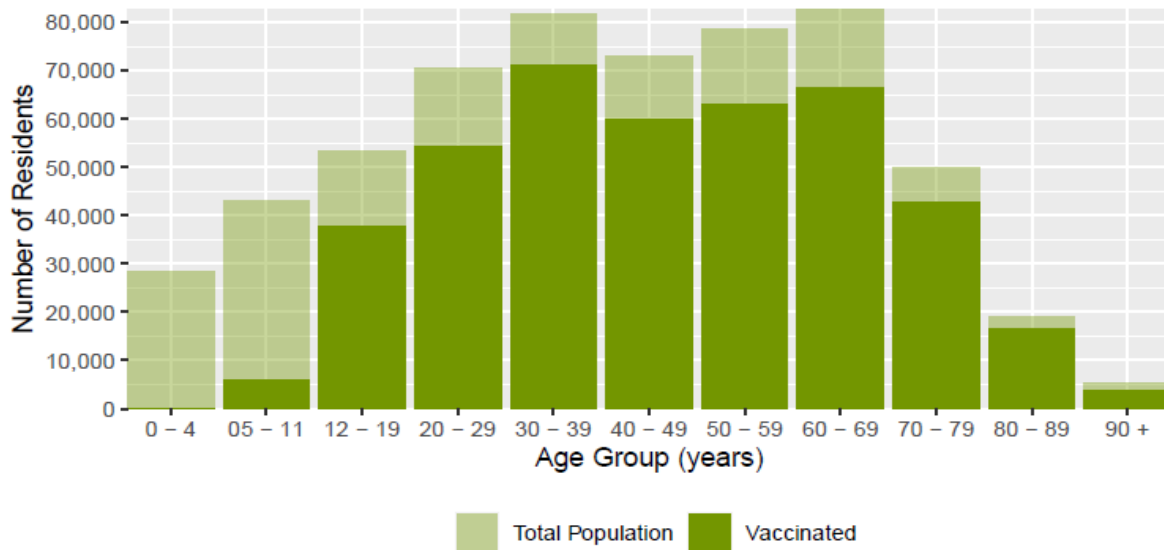
<sup>10</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *COVID Data Tracker: Prevalent Hospitalizations of Patients with Confirmed COVID-19, Colorado* (Aug 01, 2020 – November 15, 2021), available at, <https://covid.cdc.gov/covid-data-tracker/#hospitalizations> (last visited Nov. 18, 2021).

rate for the period of November 1 through November 15, 2021 is 2.41 per 100,000.<sup>11</sup> This is a substantial increase from the period of June 28 through July 12, 2021, when the 14-day average hospitalization rate was 0.26 per 100,000.<sup>12</sup>

In Colorado, as of November 18, 2021, fully vaccinated individuals were 3.9 times less likely to become a COVID case, 10 times less likely to be hospitalized for COVID, and 13.4 times less likely to die from COVID than unvaccinated individuals.<sup>13</sup> Additionally, the median age of unvaccinated hospitalizations was 58 compared to the median age of vaccinated hospitalizations which was 73.<sup>14</sup>

While the COVID-19 vaccines are currently available to all Coloradoans aged 5 and older, as of November 15, 2021, in Jefferson County, 75.6% of the eligible population and 72.0% of the total population has received at least 1 vaccine dose as of November 14, 2021; this is far short of the percentage of the population needed to reach herd immunity.<sup>15</sup>

**Total Number of Jefferson County Residents Who Have Received at Least One Dose of COVID-19 Vaccine by Age Group (12/14/2020 – 11/14/2021)**



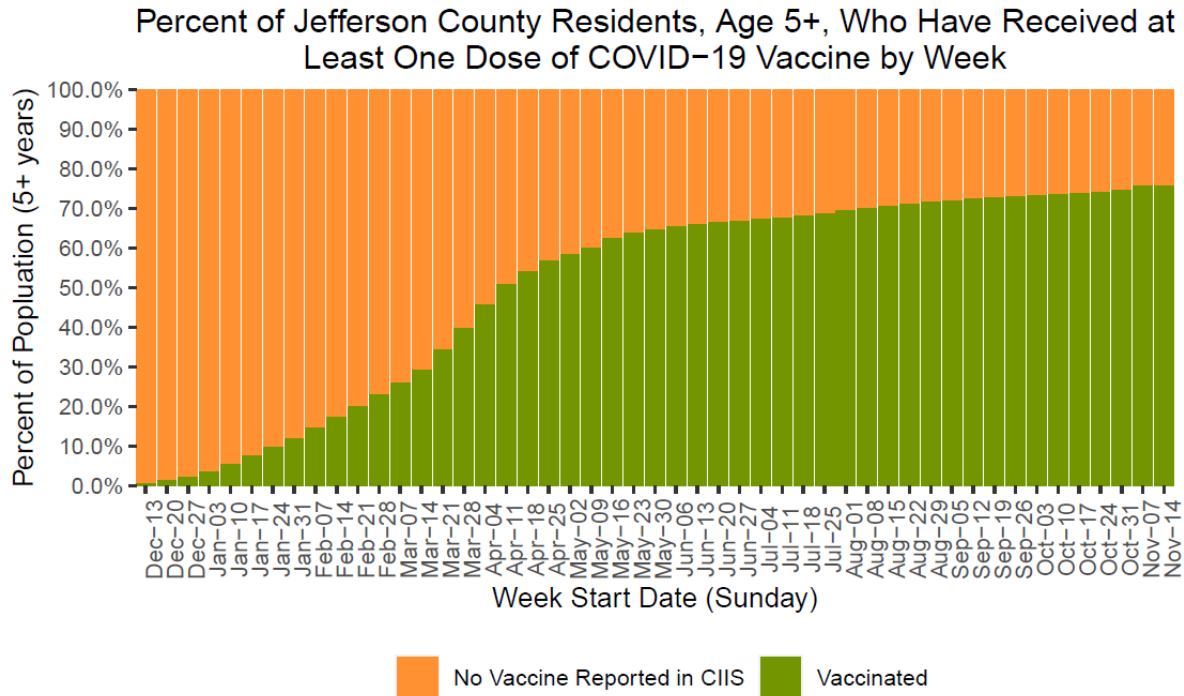
<sup>11</sup> JEFFERSON COUNTY PUBLIC HEALTH, *COVID-19 Case Summary* (Nov. 15, 2021), available at, <https://www.jeffco.us/4007/Case-Summary>

<sup>12</sup> JEFFERSON COUNTY PUBLIC HEALTH, *OPR COVID19 Indicators 27* (July 19, 2021).

<sup>13</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Vaccine Breakthrough*, available at, [covid19.colorado.gov/vaccine-breakthrough](https://covid19.colorado.gov/vaccine-breakthrough) (last visited Nov. 18, 2021).

<sup>14</sup> COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, *Vaccine Breakthrough*, available at, [covid19.colorado.gov/vaccine-breakthrough](https://covid19.colorado.gov/vaccine-breakthrough) (last visited Nov. 18, 2021).

<sup>15</sup> JEFFERSON COUNTY PUBLIC HEALTH, *Jefferson County COVID-19 Vaccine Report* (Nov. 15, 2021).



According to the CDC, COVID-19 continues to pose a serious risk, especially to individuals who are not fully vaccinated, and certain viral mitigation measures remain necessary to protect against COVID-19 cases, hospitalizations, and deaths. On July 28, 2021, the CDC updated its guidance and recommended that all individuals, including those who are fully vaccinated, wear a Face Covering in all public indoor settings in [areas of substantial or high transmission](#).<sup>16</sup>

The CDC created a “transmission tracker” to monitor the transmission of COVID-19 in each county and identifies the transmission status of COVID-19 as “low,” “moderate,” “substantial,” or “high.”<sup>17</sup> As of November 18, 2021, the CDC identifies Jefferson County as an area with high transmission at a 7-day new COVID-19 case rate of 370.92 per 100,000.<sup>18</sup> As of November 18, 2021, there were 796,412 known presumptive positive cases of COVID-19 statewide in Colorado, and 68,753 known presumptive positive cases in Jefferson County, Colorado, as well as 9,027 deaths due to COVID-19 statewide and 1,021 deaths in Jefferson County.<sup>19</sup>

<sup>16</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Interim Public Health Recommendations for Fully Vaccinated People* (Sept 1, 2021) available at, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (last visited September 23, 2021).

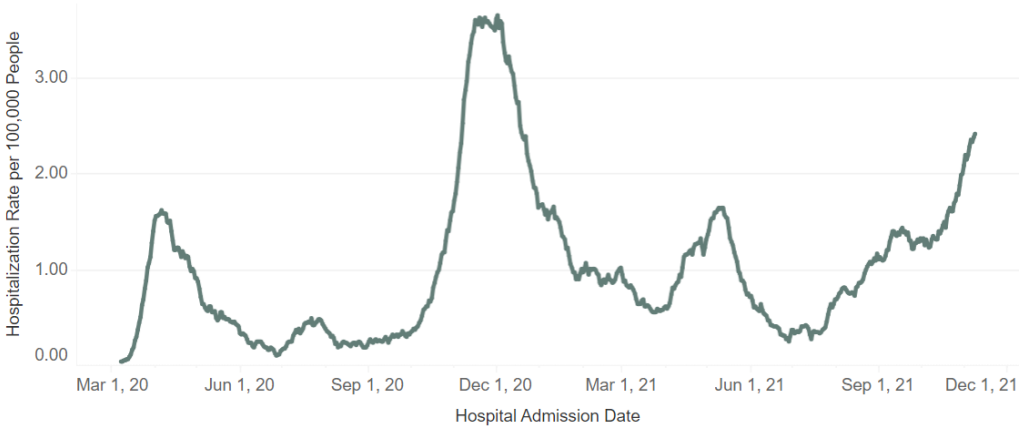
<sup>17</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, COVID Data Tracker, available at <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited November 18, 2021).

<sup>18</sup> *Id.*

<sup>19</sup> Includes confirmed and probable cases of COVID-19 in Jefferson County reported to public health. Confirmed cases are people who have tested positive via PCR or other molecular testing. Probable cases are people who had close contact with a confirmed case and have symptoms consistent with COVID-19, have a death certificate listing COVID-19 as a cause of death and have no laboratory test of have a positive antigen test. Data accessed September 16, 2021. COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, Colorado COVID-19 Data, available at <https://covid19.colorado.gov/data> (last visited November 18, 2021).

The hospitalization rate per 100,000 for COVID-19 in Jefferson County rose sharply over the summer and early fall in a 5<sup>th</sup> wave of COVID-19 as demonstrated in the graph below.<sup>20</sup>

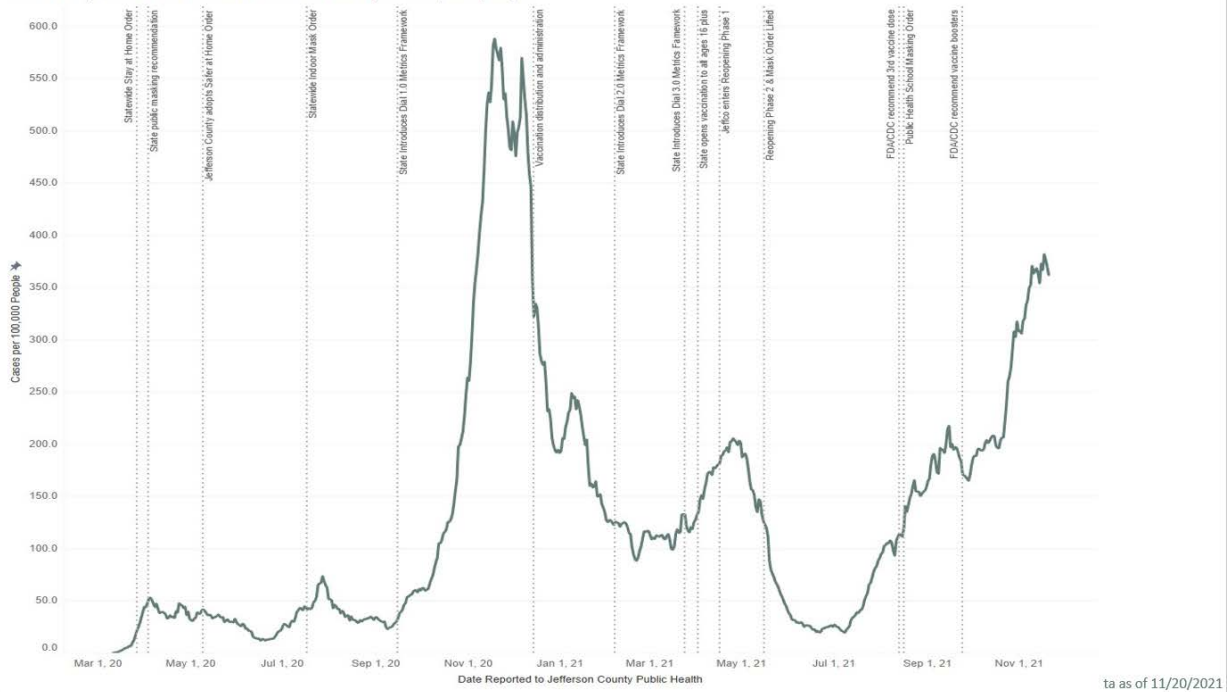
14-Day Rolling Average COVID-19 Hospitalization Rate per 100,000 people



Note: Due to delays in identifying and reporting of hospitalizations related to COVID-19, the data displayed above do not include the most recent seven days of hospitalizations.

The 7-day case incidence rate per 100,000 also rose sharply in summer and early fall as demonstrated in the graph below.<sup>21</sup>

Seven Day COVID-19 Case Incidence Rate per 100,000 people



<sup>20</sup> <https://www.jeffco.us/4007/Case-Summary> (last accessed November 19, 2021).

<sup>21</sup> <https://www.jeffco.us/4007/Case-Summary> (last accessed November 20, 2021).

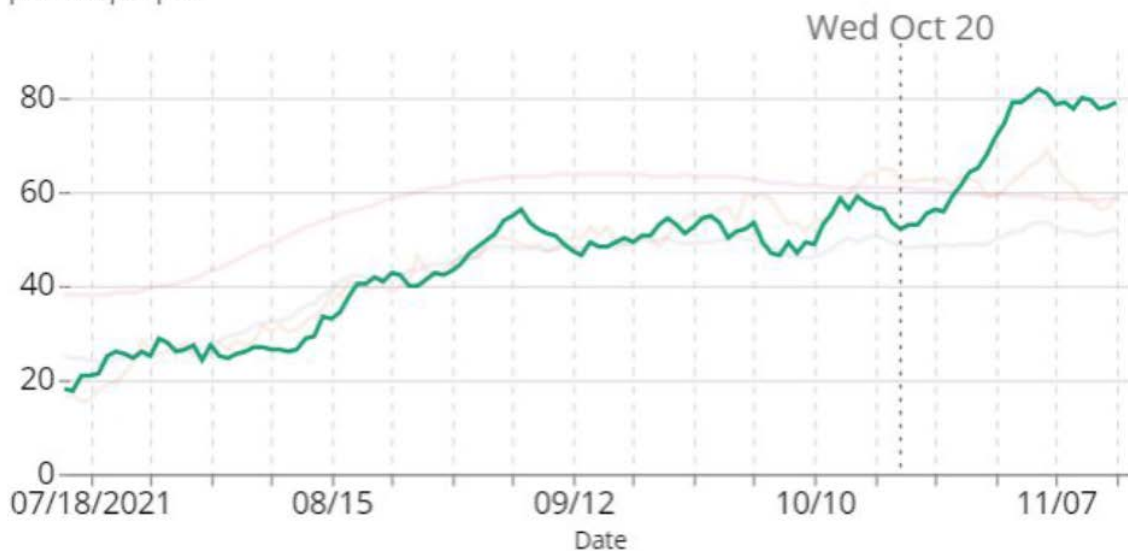


Vaccination is the most effective way to prevent transmission of COVID-19, to limit COVID-19 hospitalizations and deaths and to prevent the health care system from becoming overwhelmed. When vaccination is not possible, a layered viral mitigation strategy including wearing Face Coverings, testing, social distancing, hand hygiene, and ventilation decreases risk of transmission of COVID-19. Furthermore, other Colorado counties have recently implemented universal Face Covering orders, which have significantly increased the incidence of mask wearing. For example, Larimer County saw a substantial increase in the number of individuals wearing Face Coverings after passing an order on October 20<sup>th</sup> as shown in the chart below.

## PEOPLE WEARING MASKS CHART

### People Wearing Masks in Larimer County, CO

per 100 people



Delphi Group, [delphi.cmu.edu/covidcast](https://delphi.cmu.edu/covidcast)

### C. Public Health Emergency Declarations and Orders

On January 31, 2020, then-Secretary of Health and Human Services Alex Azar declared a Public Health Emergency under the Public Health Services Act for the COVID-19 pandemic.<sup>22</sup> The current Secretary of Health and Human Services, Xavier Becerra, most recently renewed the Public Health Emergency on July 19, 2021.<sup>23</sup>

On March 11, 2020, the Governor of the State of Colorado, Jared Polis (“Governor”) declared a State of Emergency related to the presence of COVID-19 in the State of Colorado, and this disaster

<sup>22</sup> CONGRESSIONAL RESEARCH SERVICE, *Federal Emergency and Major Disaster Declarations for the COVID-19 Pandemic* (June 4, 2021), available at, <https://sgp.fas.org/crs/homesec/R46809.pdf>

<sup>23</sup> U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES, *Renewal of Determination That a Public Health Emergency Exists* (July 19, 2021), available at, <https://www.phe.gov/emergency/news/healthactions/phe/Pages/COVID-19July2021.aspx>

declaration was extended on July 8, 2021 through Executive Order D 2021-122 and most recently on October 31, 2021 through Executive Order D2021-136.

On March 12, 2020, CDPHE issued [Public Health Order 20-20](#), restricting visitors at all Colorado skilled nursing facilities, assisted living residences, and intermediate care facilities. On September 28, 2021, CDPHE amended [Public Health Order 20-20](#), which remains in effect for Colorado Skilled Nursing Facilities, Assisted Living Residences, Intermediate Care Facilities, and Group Homes, to incorporate the Face Covering requirements in CDPHE's Residential Care Facility Comprehensive Mitigation Guidance, which requires everyone who enters a facility to wear a Face Covering at all times.

On March 13, 2020, by Proclamation 9994, President Trump declared a national emergency concerning the coronavirus disease 2019 (COVID-19) pandemic. Because the COVID-19 pandemic continues to cause significant risk to the public health and safety of the Nation, on February 24, 2021, President Biden gave notice that he was continuing the national emergency declaration. That Proclamation remains in effect today.<sup>24</sup>

On May 21, 2020, the Governor issued [Guidance to Employers and Places of Public Accommodation](#) regarding equal opportunity employment and reasonable accommodations due to the presence of COVID-19.

On February 5, 2021, CDPHE issued Public Health Order 21-01, concerning vaccine access and data reporting for COVID-19. CDPHE most recently extended Public Health Order 21-01 on November 14, 2021.

On April 15, 2021, CDPHE issued [Public Health Order 20-38](#), continuing requirements for medical-grade Face Coverings in homeless shelters, prisons, jails, community corrections programs and facilities, and emergency medical and other healthcare settings. CDPHE most recently extended Public Health Order 20-38 on November 14, 2021

The CDC's Order, [Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs](#), remains in effect for indoor areas.<sup>25</sup>

On August 16, 2021, JCPH issued Jefferson County Public Health Order 21-002 Requiring Face Coverings for All Individuals Ages 2+ and Regular Testing for Unvaccinated Individuals in Pre-K Through Grade 12 School and Childcare Settings ("JCPHO 21-002"). JCPH amended JCPHO 21-002 on August 28, 2021 to raise the age at which individuals are required to wear a Face Covering to 3 and older.

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<sup>24</sup> THE WHITE HOUSE, *National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic* (February 24, 2021), available at, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/notice-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic/#:~:text=On%20March%2013%2C%202020%2C%20by,and%20safety%20of%20the%20Nation>.

<sup>25</sup> CENTERS FOR DISEASE CONTROL AND PREVENTION, *Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs* (January 29, 2021), available at, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html> (last visited September 23, 2021).

On October 8, 2021, JCPH issued Jefferson County Public Health Order 21-004 Requiring Face Coverings for All Individuals Ages 2+ in Indoor Spaces in All Local Government Buildings (“JCPHO 21-004”). JCPH amended JCPHO 21-004 on October 12, 2021, to clarify which local government entities are subject to the Face Covering requirements of the order.

### INTENT

The intent of this Order is to slow the spread of COVID-19 to the greatest extent possible in order to reduce unnecessary death and serious illness and to preserve hospital capacity by ensuring that the maximum number of people wear Face Coverings in Indoor Public Spaces.

Except as provided below, all individuals in Jefferson County age 3 and older must wear a Face Covering while inside any Public Indoor Space, as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

### ORDER

Pursuant to the authority granted the Jefferson County Board of Health in C.R.S. §§ 25-1-506(3)(b) and 25-1-508(5)(g), and consistent with CDPHE and the CDC’s guidance, the following is ordered:

#### 1. **Definitions.**

- a. **Approved Fully Vaccinated Facility** means a business, facility, or event that has submitted and received explicit approval from Jefferson County Public Health for additional exceptions to this Order. Approved Fully Vaccinated Facilities must display a sign indicating their status and only fully vaccinated individuals who have provided Proof of Full Vaccination or those who provide self-attestation they have valid medical or religious exemptions may enter the facility. At least 95% of all employees, staff, guests, customers, and all others within the facility at any time must be fully vaccinated. For more information on becoming an Approved Fully Vaccinated Facility, see the Approved Fully Vaccinated Facility Guidance. This guidance will become available on the JCPH website.
- b. **Face Covering or Facial Covering or Mask** must meet the requirements of the CDC mask attributes here: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html> When possible, Jefferson County Public Health recommends individuals wear a medical grade face covering such as a surgical mask instead of a cloth face covering. If a medical grade face covering is unavailable, a cloth face covering must meet the CDC requirements identified above.
- c. **Household Members** means individuals who reside in the same Residence.
- d. **Moderate or Low Transmission** means moderate or low transmission as measured by the [CDC Transmission Tracker](#).



- e. **Proof of Full Vaccination** means one of the following forms of documentation demonstrating receipt of one course of a single dose of COVID-19 vaccine or two doses of any two-dose COVID-19 vaccine as recommended by the Advisory Committee on Immunization Practices (“ACIP”) in accordance with the recommended timelines:
  - i. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes the name of the person vaccinated, the type of vaccine provided, and the date the last dose was administered); OR
  - ii. A photo of a Vaccination Record Card as a separate document; OR
  - iii. A photo of a Vaccination Record Card stored on a phone or electronic device; or
  - iv. Documentation of COVID-19 vaccination from a healthcare provider; or
  - v. Digital record accessed through the [myColorado](#) application.
  
- f. **Public Indoor Space** means any enclosed indoor area that is publicly or privately owned, managed, or operated to which individuals have access by right or by invitation, expressed or implied, or that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Spaces include all enclosed indoor areas that are not an individual’s Residence.
  
- g. **Residence** means the real property upon which an individual resides with other members of their household, including a room in a motel or hotel or a residential room for students at an education facility. Residence does not include any common areas that may be used by multiple households. Residence also includes a motor vehicle when being used for personal use by an individual or their same household.
  
- h. **Substantial or High Transmission** means any time period after Jefferson County has reached at least 5 consecutive days in substantial or high transmission as measured by the [CDC Transmission Tracker](#), and prior to Jefferson County reaching at least 21 consecutive days in Moderate or Low Transmission.

**2. Face Covering Requirements in effect during Substantial and High Transmission.**

- a. **Public Indoor Spaces:** All individuals aged 3 or older, regardless of vaccination status, must wear a Face Covering while entering or within any Public Indoor Space, unless exempt pursuant to Section 3 of this Order or actively engaged in an activity described in Section 4 of this Order.
  - i. Duration: This requirement remains in effect during periods of Substantial or High Transmission.

- ii. Business/Facility Policies: Businesses and facilities may choose to keep Face Covering requirements in place during periods of Moderate or Low Transmission, even when not required by this Order.
  - b. **Transportation**: All individuals aged 2 or older are required to wear a Face Covering while on public transportation, including school buses, as required by the CDC's Requirement for Persons Age 2+ Years to Wear Masks While on Conveyances and at Transportation Hubs.
    - i. Duration: This requirement is in effect regardless of transmission levels and until CDC rescinds its order.
- 3. Exemptions to Face Covering Requirements.** The following individuals are exempt from the Face Covering requirements of this Order:
- a. Individuals under age 3.
  - b. Individuals who cannot medically tolerate a Face Covering.
- 4. Exceptions to Face Covering Requirements.** Individuals performing any of the following activities are exempt from the Face Covering requirements of this Order while the activity is being performed:
- a. 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.
  - b. Individuals who are seated at a food service establishment or actively eating or drinking.
  - c. Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
  - d. Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
  - e. Individuals who are actively engaged in a performing arts performance, leading religious services, or engaged in other similar activities, so long as the individual maintains at least twelve (12) feet distance from non-household members indoors.
  - f. Individuals who are receiving a personal, religious, or medical service where the temporary removal of the Face Covering is necessary to perform the service.
  - g. Individuals who are alone in an enclosed room or only with members of their same Household in an enclosed room.

- h. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
- i. Individuals participating in certain indoor sports activities as permitted by [Boulder County Public Health's sports guidance](#). JCPH is expressly adopting the Boulder County Public Health sports guidance through this Order.
- j. 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.
- k. Individuals inside an Approved Fully Vaccinated Facility whose owner or operator has submitted a request for and obtained explicit approval from Jefferson County Public Health for an exception or exceptions to this mask order as defined in the Approved Fully Vaccinated Guidance.
  - i. Owners and operators of facilities that have mandatory vaccination policies for all employees and patrons in effect as of November 24, 2021, may submit a self-attestation of such policies to email [HealthEPRReports@jeffco.us](mailto:HealthEPRReports@jeffco.us) and include the following information: facility name, address, contact name, phone number, and email; mandatory vaccination policy details; attestation that the facility is requiring Proof of Full Vaccination or self-attestation of a valid medical or religious exemption for all employees, staff, guests, customers, and all others entering the facility and attestation that at least 95% of all employees, staff, guests, customers, and all others within the facility at any time must be fully vaccinated. All temporary approvals provided by Jefferson County Public Health to facilities based on submitted self-attestation will expire on December 10, 2021. Facilities that have received temporary approval from Jefferson County Public Health pursuant to a self-attestation may then be excepted from the Face Covering requirements until December 10, 2021, provided the following all occur:
    - (1) The facility receives confirmation from Jefferson County Public Health that the self-attestation has been received and approved;
    - (2) The facility continues to require and checks proof of vaccination of all individuals entering the facility;
    - (3) The facility agrees to unannounced inspections by Jefferson County Public Health for compliance;
    - (4) The facility posts signs at entrances that indicate that Proof of Full Vaccination is required for entry; and
    - (5) The facility submits an application to certify as an Approved Fully Vaccinated Facility under the Approved Fully Vaccinated Facility Guidance once available no later than December 10, 2021. Failure to submit an application in good faith by December 10, 2021, shall constitute a violation of this Order subject to the remedies identified below.

5. **Supplement to Existing Public Health Orders.** This Order adopts and is intended to provide additional public health protections by supplementing the [CDC Order](#) requiring persons aged 2 or older to wear Face Coverings indoors on conveyances and at transportation hubs and supplementing [CDPHE Order 20-38](#).
6. **Americans with Disabilities Act.** The requirements of this Order shall be applied in a manner consistent with the Americans with Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Americans with Disabilities 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.
7. **Signage Requirements.** All facilities subject to this Order must post signs at entrance(s) instructing individuals of their legal obligation to wear masks under this Order unless they have received designation as an Approved Fully Vaccinated Facility. Posting a sign requiring masks for all individuals regardless of vaccination status under the requirements of any state or federal order shall be deemed sufficient for purposes of this Order. The “mask in building.pdf” signs made available by the State are considered sufficient for purposes of this Section. Please see <https://covid19.colorado.gov/print-materials> for sample print materials.
8. **Children Under the Age of Three.** This Order does not require any child under the age of three to wear a Face Covering. Parents and caregivers should supervise the use of Face Coverings by children to avoid misuse.
9. **Recommendations.** The following recommendations are not requirements of this Order, but are recommended:
  - a. Businesses and facilities that permit individuals to remove a face covering while performing one of the activities listed in paragraph 4 are strongly recommended to use at least one of the following ventilation strategies:
    - i. Keep open all available windows and doors accessible to fresh outdoor air as long as air quality and weather conditions permit;
    - ii. Keep on a fully operational HVAC system; or
    - iii. Utilize appropriately sized portable air cleaners in each room.
  - b. Businesses and facilities are encouraged to move all activities outdoors that can be performed outdoors. When performing activities indoors, increase ventilation via opening doors and windows, turning on HVAC systems, or using other air filtration systems.
  - c. People who are outdoors or in close proximity to other people who are not part of their household are strongly encouraged to wear a Face Covering.
  - d. People are strongly encouraged to wear a Face Covering when present in an indoor private gathering at a Residence if someone who is not part of a person’s Household is present in the Residence.

- e. Businesses and other entities subject to this Order are strongly encouraged to provide a Face Covering at no cost to people who do not have one upon entry into the facility.
- f. Businesses and other entities subject to this Order are strongly encouraged to require vaccination of all employees.

**10. Conflict and Preemption.**

- a. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) concerning Face Coverings, or that impose Face Covering requirements beyond those contained in this Order.
- b. Nothing in this Order should be construed to preempt any local public health orders.
- c. Nothing in this Order shall be construed to prevent a facility or local government entity from adopting more protective standards than those contained in this Order.
- d. Nothing in this Order shall be construed to prevent any business or other entity from requiring its employees, staff, customers, or other staff to wear a Face Covering while engaging with that entity or on the entity's property.
- e. Nothing in this order should be construed to require the wearing of a Face Covering when doing so would violate a Federal law, rule, or regulation.

**11. Denial of Entry.** Except for the limited exemptions and exceptions provided in Sections 3 and 4 above, no owner, operator, or manager of a Public Indoor Space may provide service to such individuals or allow an individual to enter or be within that Public Indoor Space unless the individual is wearing a Face Covering as required by this Order.

**12. Reasonable Accommodations.** JCPH recommends that all facilities subject to this Order review the State of Colorado's [Civil Rights Guidance](#).

**13. Legal Recourse.** Any facility that is in violation of this Order may be subject to a civil action, including but not limited to injunctive relief pursuant to C.R.S. § 25-1-514 and reimbursement of expenses pursuant to C.R.S. §25-1-516(3) as well as reporting to the appropriate licensing agency for suspension or revocation of its license.

**14. Isolation and Quarantine.** All individuals who have tested positive for COVID-19 or who have been a close contact of a person with COVID-19 infection, whether symptomatic or asymptomatic, and all individuals who are symptomatic with [COVID-19 symptoms as defined by CDPHE](#) are required to isolate or quarantine pursuant to Jefferson County Public Health's General Isolation and Quarantine Guidance unless otherwise directed by Jefferson County Public Health.

15. **Severability.** 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.

16. **Duration.** This JCPH Public Health Order 21-006 shall be in effect from November 24, 2021, at 12:01 a.m. and shall remain in effect at all times Jefferson County is in Substantial or High Transmission. However, this requirement shall be suspended when Jefferson County has experienced at least twenty-one (21) consecutive days in Moderate or Low Transmission.

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.

If you have questions regarding this Order, please contact the JCPH at [HealthEPR@jeffco.us](mailto:HealthEPR@jeffco.us) or view the COVID-19 information on JCPH's website at [www.jeffco.us/coronavirus](http://www.jeffco.us/coronavirus).

**Issued by:**

*Lane Drager*

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**Lane Drager**  
**Vice President, Jefferson County Board of Health**

**November 23, 2021**