

## **COVID-19 Frequently Asked Questions: Public Health Order 21-006 Published November 23, 2021**

[Click here to access the Order.](#)

### **ABOUT THE ORDER**

#### **1. Why did the Board of Health implement Public Health Order 21-006?**

While vaccines are known to be the most effective way to prevent the transmission of COVID-19 and symptomatic disease of COVID-19, masks are an important component of a layered mitigation strategy to prevent disease and get transmission under control in the community. Jefferson County's mask order aligns with [CDC's July 27, 2021 recommendation](#) that, regardless of vaccination status and due to the contagious nature of the Delta variant, individuals should wear a face covering in public indoor spaces during periods of substantial and high transmission as defined by the [CDC Tracker](#).

In addition to implementing the indoor mask requirements, Jefferson County Public Health (JCPH) strongly recommends businesses and venues maximize ventilation by opening doors, windows, running HVAC systems or running air filters. JCPH also recommends moving activities outdoors whenever possible.

#### **2. When does the Order go into effect? When does it expire?**

The Order is effective beginning November 24, 2021 at 12:01 a.m. and shall remain in effect at all times Jefferson County is in [Substantial or High Transmission](#).

Once Jefferson County drops into moderate or low transmission for 21 consecutive days, the Order will automatically rescind the mask requirement in Jefferson County, and masks will only be recommended.

#### **3. Where does the Order apply?**

Public Health Order 21-006 requires that all individuals age three and older, regardless of vaccination status, wear a face covering in **all public indoor spaces** in Jefferson County. The Order applies only to public indoor spaces, such as event spaces, businesses, restaurants, gyms, government buildings and facilities, offices and other spaces that are not considered an individual's residence. The Order does not apply to private homes, although JCPH recommends wearing a face covering when around individuals from another household, particularly if at least one individual is not fully vaccinated.

Masks are not required in any outdoor setting. However, individual businesses and organizers may implement requirements in addition to this Order, including outdoor

masking. For more information on temporary or other structures outdoors, see [CDPHE's guidance for outdoor dining structures](#).

#### **4. Are masks required outdoors?**

No, the Order does not require wearing a mask in any outdoor space.

#### **5. Are there any exemptions or exceptions to the Order?**

The following individuals are exempt from the Face Covering requirements of this Order:

- Individuals under age 3.
- Individuals who cannot medically tolerate a Face Covering.

Additionally, individuals performing any of the following activities are exempt from the Face Covering requirements of this Order while the activity is being performed:

- 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.
- Individuals who are seated at a food service establishment or actively eating or drinking.
- Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
- Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
- 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.
- Individuals who are receiving a personal, religious, or medical service where the temporary removal of the Face Covering is necessary to perform the service.
- Individuals who are alone in an enclosed room or only with members of their same Household in an enclosed room.
- Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
- 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.
- 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.

- 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.

## 6. What kind of masks are acceptable under the Order?

Masks must meet the requirements of the CDC mask attributes here:

<https://www.cdc.gov/quarantine/masks/mask-travelguidance.html>. When possible, JCPH 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.

## 7. Where can I get more information about masks?

If you are looking for general information about masks, please visit

<https://www.jeffco.us/4056/Mask-Guidance> or <https://covid19.colorado.gov/mask-guidance>.

## ACTIVITIES

### 8. Can I remove my mask when participating in performing arts or religious ceremonies?

Individuals actively engaged in performing arts, performing religious ceremonies or engaged in other similar activities may remove their masks while performing provided that they maintain 12 feet of distance from non-household members. Facility operators should also improve indoor air quality by providing as much fresh outdoor air as possible into the indoor spaces either by opening doors and windows and/or adjusting HVAC systems, and ensuring that the highest efficiency air filters possible are installed on HVAC equipment. Portable air purification equipment can also be used to support HVAC systems and should be sized properly to the rooms in which they are placed. Alternatively, such activities may take place outside without any mask requirements. If conducting a performance indoors with a mask on, there are no distancing requirements.

Performing arts groups, events and theaters, houses of worship and other facilities and events may apply to be an Approved Fully Vaccinated Facility and receive additional exception from the mask order. Please note that fully vaccinated facilities do not have any distancing requirements for performers or audience members.

In the event that the performance *cannot* be conducted with 12 feet of spacing between non-household members (for example, a ballet performance), cannot be conducted with a mask on, and the performance venue has not yet become an Approved Fully Vaccinated Facility, please email [HealthEPRReports@jeffco.us](mailto:HealthEPRReports@jeffco.us) to determine appropriate options. Unless a facility or event is approved as an Approved Fully Vaccinated Facility, all individuals are required to comply with the 12 feet from non-

household members requirement while unmasked pursuant to the performer exception unless otherwise explicitly indicated by JCPH.

### **9. Can I remove my mask when I am receiving personal, medical or religious services?**

Temporary removal of a mask is permitted while receiving personal, medical or religious services that cannot otherwise be performed with a mask. Personal services include, for example, barber and esthetician services that cannot be performed with a mask. The person performing the service should wear a mask unless another exception or exemption applies.

## **BUSINESSES**

### **10. What is required of businesses under the Order?**

Businesses and owners and operators of public indoor spaces should post signs at their entrances indicating that a mask is required for all individuals age 3 and older in order to enter. Businesses should deny entry to all individuals who do not comply with the requirements of the Order.

### **11. My employee requested a medical exemption to the Order. What should I do?**

Each business should evaluate a request for a medical exemption on a case-by-case basis. Employers are encouraged to review the State of Colorado's [Civil Rights Guidance](#) or consult with legal counsel for additional information.

Whether a business or facility can (or should) request or require a doctor's note depends upon the laws applicable to the business and businesses and facilities should consult with legal counsel about their specific circumstances.

### **12. What should an employer or business do if a patron refuses to comply with the Order?**

Businesses are required to deny individuals entry for failure to wear a mask unless one of the exemptions or exceptions applies. Businesses are encouraged to consult with legal counsel and review the [State' Civil Rights Guidance](#) and determine their obligations under the American with Disabilities Act and other federal and state laws.

### **13. I have questions or concerns about the Order, or need assistance with implementing the Order. How can I contact JCPH for support?**

For questions or concerns regarding Public Health Order 21-006:

- Visit our website at [www.jeffco.us/coronavirus](http://www.jeffco.us/coronavirus) (see the "[Local Public Health Orders](#)" page) to find the full Order and answers to FAQs.
- Email [HealthEPRReports@jeffco.us](mailto:HealthEPRReports@jeffco.us). If your message requires a response, a team member will reply to your message as soon as possible.

#### **14. I want to become an Approved Fully Vaccinated Facility. What should I do?**

The Order also allows an exception to indoor public masking for employers, owners and operators who voluntarily implement proof of vaccination requirements for all employees, staff, visitors and patrons entering their facility and become an Approved Fully Vaccinated Facility. During a grace period of approximately three weeks (November 24-December 9), JCPH will accept self-certification from a facility and temporarily approve the facility as an Approved Fully Vaccinated Facility. Facilities who wish to self-certify should email [HealthEPRReports@jeffco.us](mailto:HealthEPRReports@jeffco.us) with their vaccination policy for employees and patrons. Beginning December 10, facilities must submit an application according to JCPH's Approved Fully Vaccinated Facility Guidance, which will be released soon. JCPH will release more information on how to become an Approved Fully Vaccinated Facility, including opening a formal application process, in the coming weeks.

In summary, to be an Approved Fully Vaccinated Facility, businesses and facilities must follow these steps:

- The facility should submit a proof of vaccination policy for all visitors and employees to JCPH at [HealthEPRReports@jeffco.us](mailto:HealthEPRReports@jeffco.us).
- The facility receives confirmation from JCPH that the self-attestation has been received and approved.
- The facility continues to require and checks proof of vaccination of all individuals entering the facility.
- The facility agrees to unannounced inspections by JCPH for compliance.
- The facility posts signs at entrances that indicate that Proof of Full Vaccination is required for entry.
- 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.

## **ENFORCEMENT**

#### **15. How is the Public Health Order enforced?**

Our approach to all Public Health Orders, including PHO 21-006, is to provide education and support to obtain voluntary compliance, and to only pursue legal options when all other options to ensure compliance are exhausted.

However, any facility that violates 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.