



STANDING PUBLIC HEALTH ORDER

ELEVENTH AMENDED NOTICE OF PUBLIC HEALTH ORDER

LIMITED COVID-19 RESTRICTIONS

SECOND ADDENDUM

August 13, 2021

PURPOSE AND INTENT

The purpose and intent of this Second Addendum to the Eleventh Amended Notice of Public Health Order is to help child care facilities and K-12 schools formulate and implement plans for safe, successful, and full in-person instruction in the 2021-22 school year.

This Order follows the [Center for Disease Control's Guidance for K-12 Schools](#), which as of August 5, 2021, given new evidence on the B.1.617.2 (Delta) variant, recommended universal indoor masking for all students, staff, teachers, and visitors to K-12 schools, regardless of vaccination status, [CDPHE's Guidance for ECE and K-12 schools](#), and CDC's recommendation that [all individuals age two and older wear a mask while in public indoor spaces](#) in areas of substantial and high transmission. As of August 11, 2021, the CDC identifies Pitkin County as an area with high transmission at a rate of 135.08 per 100,000¹.

On July 19, 2021, the American Academy of Pediatrics called for universal masking among all individuals within school settings in order to prioritize in-person learning². On August 5, 2021, the CDC updated its Guidance for COVID-19 Prevention in K-12 Schools, noting specifically as its first 3 key takeaways³:

- Students benefit from in-person learning, and safely returning to in-person instruction in the fall 2021 is a priority.
- Vaccination is the leading public health prevention strategy to end the COVID-19 pandemic. Promoting vaccination can help schools safely return to in-person learning as well as extracurricular activities and sports.
- Due to the circulating and highly contagious Delta variant, CDC recommends universal indoor masking by all students (age 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status.

¹ <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited August 12, 2021)

² <https://services.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-updates-recommendations-for-opening-schools-in-fall-2021/>

³ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>



On August 1, 2021, the Colorado Department of Public Health and Environment (CDPHE) adopted CDC school guidance noting that because many students have yet to be vaccinated and students under 12 are not yet eligible, we must continue to remain vigilant, take important mitigation steps that can reduce transmission of COVID-19, and address outbreaks in a safe and thoughtful manner.

Prevention strategies and particularly universal masking have proven effective at slowing and stopping transmission in the childcare and school settings⁴. Multiple studies indicate that mask wearing reduces new infections and masks are safe and do not raise CO2 levels or reduce O2 levels⁵ and masks may prevent disruptive quarantines in higher risk settings⁶.

ORDER

This Second Addendum augments and modifies the terms of the Eleventh Amended Notice of Public Health Order. The terms of this Addendum are effective as of 12:01 A.M. MDT August 18, 2021, within the entirety of Pitkin County, including all municipalities within the County, until further modified or rescinded by future order. Where the terms of this Addendum differ from the Eleventh Standing Public Health Order, and the First Addendum, the terms of this Addendum shall control. Where the terms of this Addendum and the Eleventh Standing Public Health Order differ from any State Public Health Orders or Federal Orders, the more strict shall control. This Addendum adopts the definitions used in the State Public Health Orders and in particular Order 20-38 unless otherwise defined.

1. Definitions:

- a. "Face Covering" means a covering that completely covers the nose and mouth, is made of synthetic or natural fabrics, and fits snugly against the nose and sides of the face and under the chin. "Face covering" does not include a covering with an exhalation valve, vent, or other hole or opening, or a covering that is crocheted or made of lace, mesh, or similar open web-like construction or material.
- b. "Fully Vaccinated" means two (2) weeks after a second dose in a two dose-series of the COVID-19 vaccine, such as the Pfizer or Moderna vaccine, or two (2) weeks after the single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

2. Face Covering Requirements

- a. All individuals two years of age and older, regardless of vaccination status, must wear a Face Covering while indoors in any of the following settings and in facilities supporting activities conducted by the following organizational entities:
 - i. K-12 schools, both public and private
 - ii. Licensed child care
 - iii. Home-based family child care

⁴ https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html>

⁶ <https://covid19.colorado.gov/practical-guide-for-operationalizing-cdc-school-guidance>



- iv. License-exempt child care programs such as single skill building and 72-hour camps
 - v. Guest child care facilities at ski resorts and courthouses
 - vi. “Pods” and other home learning/homeschooling groups
 - b. All individuals two years of age and older, regardless of vaccination status, must wear a Face Covering, while indoors and while participating (whether as an attendee, student, athlete, staff member, volunteer, coach, or spectator) in the following activities:
 - i. Extracurricular activities, including sports, where the participants are in grades P-12.
 - c. All individuals two years of age and older, regardless of vaccination status, 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](#).
- 3. Exemptions.** The following individuals are exempt from the Face Covering requirements of this Order:
- a. Individuals younger than two years of age.
 - b. Individuals who cannot medically or developmentally tolerate a Face Covering.
- 4. Exceptions.** 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 seated during meal or snack time.
 - 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 receiving a personal or medical service where the temporary removal of a Face Covering is necessary to perform the service.
 - f. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
 - g. Individuals who are actively engaged in an indoor extracurricular activity, including sports, in which wearing a Face Covering is not feasible, and who have adhered to the Pitkin County Public Health Protocol for High-Risk Activities.
 - h. When a student in a classroom setting for academic credit at a PK-12 school is actively playing an instrument that cannot otherwise be played while wearing a Face Covering.
 - i. Individuals who are actively napping or resting pursuant to state licensing requirements.



- j. Individuals who are alone in an enclosed room.
5. All schools, child care facilities, and facilities that host activities covered under this order must post signs at each entrance instructing Individuals about their legal obligations under this Order. Sample signs are available here: <https://covid19.colorado.gov/print-materials>
6. On October 1, 2021, the entities covered in paragraphs 2a and 2b of this order may be exempt from this order providing the following criteria are met:
 - a. at least 70% of the total population (i.e. students, teachers, and staff) at the facility or entity are fully vaccinated, and
 - b. the Pitkin County Incidence Rate is less than 50 cases per 100,000 persons in the past 7 days as determined by the [CDC COVID Data Tracker](#), and
 - c. facility or entity has consulted with Pitkin County Public Health.

Public Health Agency Authority

The Pitkin County Public Health Department is tasked with protecting the health and welfare of the residents and visitors of Pitkin County, Colorado by investigating and controlling the causes of epidemic and communicable disease. This Addendum is necessary to control any potential transmission of disease to others. See section 25-1-508, Colorado Revised Statutes. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

Any person aggrieved and affected by this Order or any action taken by Public Health to enforce the Order has the right to request judicial review by filing an action with the Pitkin County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.

FAILURE TO COMPLY WITH THIS ADDENDUM IS SUBJECT TO THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.

Jordana Sabella

August 13, 2021

Public Health Director