



STANDING PUBLIC HEALTH ORDER

ELEVENTH AMENDED NOTICE OF PUBLIC HEALTH ORDER

LIMITED COVID-19 RESTRICTIONS

THIRD ADDENDUM

September 15, 2021

PURPOSE AND INTENT

The purpose and intent of this Third Addendum to the Eleventh Amended Notice of Public Health Order is to require that facial coverings be worn in public indoor spaces throughout Pitkin County, Colorado during periods of substantial or high transmission of COVID-19.

On July 27, 2021, the Centers for Disease Control and Prevention (“CDC”) released updated guidance recommending that due to the Delta variant everyone in areas of [substantial or high transmission](#) wear a mask in public indoor places, even if they are fully vaccinated¹.

As of September 1, 2021, the Delta variant now constitutes 99.2% of all COVID-19 tests sampled for variant in Colorado². Some data suggests the Delta variant might cause more severe illness than previous strains in unvaccinated persons³ and unvaccinated people remain the greatest concern⁴. Immunocompromised individuals are at increased risk of serious, prolonged illness due to COVID-19, even after vaccination⁵. Fully vaccinated people with Delta variant breakthrough infections can spread the virus to others, although vaccinated people appear to be infectious for a shorter period⁶.

¹ <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html> (last visited September 9, 2021)

² <https://covid19.colorado.gov/data>

³ <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>

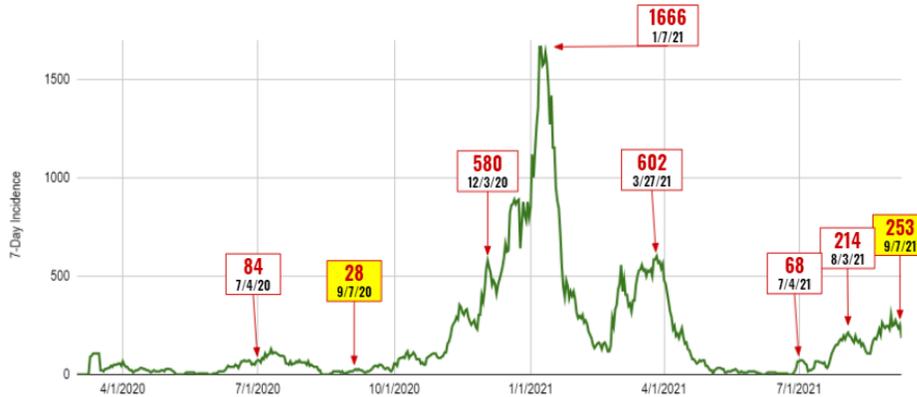
⁴ <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7034e5-H.pdf>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/covidview/index.html>

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>



As of September 7, 2021 the cases per 100,000 was nine times higher than the cases per 100,000 at this time last year, as shown in the graph below.



As of September 12, 2021, 36.9% of the total population of the United States has not yet been fully vaccinated⁷ and 35% of the total population of Pitkin County has not yet been fully vaccinated⁸.

As of September 9, 2021 the CDC identifies Pitkin County as an area with high transmission at a rate of 225.14 per 100,000⁹. A number of counties in Colorado, including neighboring counties whose residents work, recreate, and engage in commerce within Pitkin County, are experiencing high transmission including Eagle County at a rate of 377.31 per 100,000¹⁰ and Garfield County at a rate of 198.13 per 100,000¹¹.

As of September 9, 2021 Aspen Valley Hospital (“AVH”) has changed it’s capacity status from comfortable to cautious.

As of September 14, 2021, there are 896 patients hospitalized with COVID-19 in Colorado. There are ten patients hospitalized with COVID-19 in the Central Mountains Regional Emergency Medical and Trauma Services Advisory Councils (RETAC), the region serving Pitkin County residents.

⁷ https://covid.cdc.gov/covid-data-tracker/#vaccinations_vacc-total-admin-rate-total
⁸ <https://covid19.pitkincounty.com/covid-data-dashboards/vaccination-stats/>
⁹ <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited September 9, 2021)
¹⁰ <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited September 9, 2021)
¹¹ <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited September 9, 2021)



ORDER

This Third 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 September 16, 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, and the Second 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. "Approved Fully Vaccinated Facility" means a business, facility, or event that has submitted and received explicit approval from Pitkin County Public Health for additional exceptions to this Order. Approved Fully Vaccinated Facilities must display a sign indicating their status and that only fully vaccinated individuals who have provided Proof of Vaccination may enter the facility.
- b. "Face Covering" or "Facial Covering" or "Mask" must meet the requirements of CDC mask attributes here: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>. When possible, Pitkin 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. "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.
- d. "Household Members" means individuals who reside in the same Residence.
- e. "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.



- 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 except for a person’s Residence.
- g. “Proof of Vaccination” means one of the following forms of documentation demonstrating receipt of one course of a single dose COVID-19 vaccine or two doses of any two-dose COVID-19 vaccine plus any subsequent or booster dose of a 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 name of person vaccinated, type of vaccine provided, and date last dose administered); OR
 - ii. a photo of a Vaccination Record Card as a separate document; OR
 - iii. a photo of the employee's Vaccination Record Card stored on a phone or electronic device; OR
 - iv. documentation of COVID-19 vaccination from a health care provider; OR
 - v. digital record accessed through the [myColorado](#) application
- h. “Substantial” or “High Transmission”, as used in this Order, means any time period after Pitkin County has reached at least 5 consecutive days in substantial or high transmission as measured by the CDC’s transmission tracker, and prior to Pitkin County reaching at least 21 consecutive days in moderate or low transmission. During periods of substantial or high transmission, the mask requirements in paragraph 2 shall be in effect. [Pitkin County Public Health’s Current COVID-19 Status Website Page](#) stating whether masks are required shall be the ultimate authority to determine whether face covering requirements are in effect pursuant to paragraph 2.a.

2. Face Covering Requirements

- a. **Public Indoor Spaces:** All individuals aged 2 or older must wear a Face Covering while entering or within any Public Indoor Space unless exempt pursuant to Paragraph 3 of this Order or actively engaged in an activity described in Paragraph 4 of this Order.
 - i. Duration: This requirement remains in effect during periods of Substantial or High Transmission as displayed on the [Pitkin County Public Health Current COVID-19 Status Website Page](#).



- g. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
 - h. Individuals participating in certain indoor sports activities as permitted by [Pitkin County Public Health's sports guidance](#);
 - i. 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.
 - j. Individuals who are alone in an enclosed room.
 - k. Individuals inside an Approved Fully Vaccinated Facility whose owner or operator has submitted and obtained explicit approval from Pitkin County Public Health for an exception or exceptions to this mask order.
 - i. Facilities may be excepted from the mask requirements provided the following all occur:
 - 1. The facility submits an application to certify as an Approved Fully Vaccinated Facility;
 - 2. The facility receives confirmation from Pitkin County Public Health that the application to be certified as an Approved Fully Vaccinated Facility has been received and approved;
 - 3. The facility continues to require and checks proof of vaccination of all individuals entering the facility;
 - 4. The facility agrees to inspections by Pitkin County Public Health for compliance;
 - 5. The facility posts signs at entrances that indicates that proof of full vaccination is required for entry and that masks are optional or recommended;
5. 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 masks indoors on conveyances and at transportation hubs and supplementing [CDPHE Order 20-38](#).
- a. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning Face Coverings.



- b. 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.
 - c. Nothing in this Order should be construed to preempt any other local Public Health Orders.
 - d. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.
 - e. Nothing in this Order shall be construed to prevent any business or other entity from requiring a Face Covering for its employees, staff, customers, or other personnel while engaging with that entity or on the entity's property.
 - f. Nothing in this Order shall be construed to preempt any federal order or law.
- 6. Denial of Entry.** Except for the limited exemptions and exceptions provided in paragraphs 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. Businesses should not permit exemptions under Paragraph 3.b except when required by federal or state law.
- a. **Reasonable Accommodations:** PCPH recommends that all businesses and facilities subject to this Order review the [State's Civil Rights Guidance](#).
- 7. Signage Requirement.** All businesses must post signs at entrance(s) instructing individuals of their legal obligation under this Order. 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 signs made available by Pitkin County are considered sufficient for purposes of this Paragraph 7. See <https://covid19.pitkincounty.com/communications-resources/> for sample print materials.
- 8. Additional 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 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.

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

September 15, 2021

Public Health Director