



STANDING PUBLIC HEALTH ORDER

TWELFTH AMENDED NOTICE OF PUBLIC HEALTH ORDER

WINTER COVID-19 RESTRICTIONS

November 18, 2021

PURPOSE AND INTENT

The purpose and intent of this Twelfth Amended Notice of Public Health Order is to control and reduce spread of COVID-19 to prevent unnecessary deaths and serious illness, and to maintain consistent health care capacity to support a sustainable and thriving winter season in Pitkin County. This Order includes limited requirements for individuals, businesses, and activities to mitigate the spread of COVID-19 in Pitkin County.

As of November 11, 2021, there have been 778,909 Coloradans diagnosed with COVID-19, 44,361 have been hospitalized and 8,584 Coloradans have died from COVID-19¹. There are 1,466 individuals currently hospitalized due to COVID-19, and only 978 hospital beds remain unoccupied across the state. At this time, 95% of Colorado's intensive care beds are occupied and 94% of medical/surgical beds are occupied. As of November 12, 2021, there have been 3,061 cases of COVID-19 and 5 COVID-19 deaths in Pitkin County². As of November 12, 2021, the Centers for Disease Control and Prevention (CDC) identifies Pitkin County as an area with high transmission with a COVID-19 case rate of 196.99 per 100,000³.

COVID-19 poses a fundamental challenge to our community, particularly as we seek to protect the health and safety of Pitkin County residents with the potential mass influx of eager winter visitors. As COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, certain safety measures continue to be necessary to protect against COVID-19 hospitalizations and deaths. Vaccination is the most effective method to prevent transmission and ultimately COVID-19 hospitalization and deaths⁴. Although a total of 13,183 Pitkin County residents are fully vaccinated against the virus that causes COVID-19, there remains a risk that people may come into contact with others who may have COVID-19 when outside their residence. Colorado has experienced a surge in new COVID-19 cases and an increase in hospitalizations, mostly among people who are not fully vaccinated, due to the highly contagious

¹ <https://covid19.colorado.gov/data> (last visited November 12, 2021)

² <https://covid19.pitkincounty.com/covid-data-dashboards/covid-19-stats/> (last visited November 12, 2021)

³ <https://covid.cdc.gov/covid-data-tracker/#county-view> (last visited November 12, 2021)

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html> (last visited November 12, 2021)



Delta variant. Future surges may occur due to other variants. In some instances, individuals who are fully vaccinated have been infected by breakthrough infections and are showing symptoms, though nearly no vaccinated individuals have required hospitalization. There are also people in Pitkin County who are not yet fully vaccinated, including children under 12 years old, and people who are immuno-compromised and may be particularly vulnerable to infection and disease.

In preparation for winter, Pitkin County Public Health has prepared recommended triggers and mitigation measures that are designed to achieve the goal of allowing schools, businesses and events to operate in person while protecting local hospital capacity. These measures rely most heavily on the most effective tools we have to prevent the transmission of COVID- vaccination and mask wearing. Additional mitigation strategies and communication also play an important role in the proposed measures.

Last winter, the community was challenged by increasing incidence rates starting in November and the associated step-wise mitigation measures required by the Colorado COVID Dial, which affected specific sectors differently, relying on increasing levels of capacity restrictions. The changing restrictions throughout the winter proved to be a challenge to communicate and to plan for. This winter, the mitigation plan aims to use and incentivise the most effective mitigation strategies and clearly outline expectations for the community. Stricter mitigation strategies are tied to distinct actions that indicate hospital capacity is threatened. For example, a reduction to 50% capacity indoors is tied to suspension of all elective surgeries at the discretion of Aspen Valley Hospital. This pairing is supported by the increased risk of transmission associated with more people gathering indoors and the understanding that a reduction in capacity increases physical distancing which can reduce transmission risk. Considering that 81% of individuals hospitalized with COVID-19 in Colorado are unvaccinated,⁵ promoting vaccination remains a critical strategy to protect the capacity of our local hospital. Hence, businesses that choose to implement vaccination verification policies would be eligible for an exception from the 50% capacity requirement.

This Order is the result of many conversations with Aspen Valley Hospital (AVH) and stakeholders, as well as feedback received from public comment, a sector task force meeting with community organizations and businesses, and the Pitkin County Board of Health.

⁵ <https://covid19.colorado.gov/data> (last visited November 12, 2021)



ORDER

This Order supersedes and replaces all prior Standing Public Health Orders of Pitkin County's Public Health Agency. Pursuant to section 25-1-506 (2)(a)(I), Colorado Revised Statutes, this Twelfth Standing Public Health Order ("Order") is effective as of 12:01 A.M. MDT December 1, 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 Twelfth Standing Public Health Order differ from any State Public Health Orders or Federal Orders, the more strict shall control. This Order adopts the definitions used in the State Public Health Orders and in particular Order 20-38 unless otherwise defined.

1. 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 Section 1.f.i of this Order or actively engaged in an activity described in Section 1.f.ii 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](#).
 - 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.
- c. **PK-12 Settings.**
 - i. 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:
 1. K-12 schools, both public and private
 2. Licensed child care



3. Home-based family child care
 4. License-exempt child care programs such as single skill building and 72-hour camps
 5. Guest child care facilities at ski resorts and courthouses
 6. “Pods” and other home learning/homeschooling groups
- ii. 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:
1. Extracurricular activities, including sports, where the participants are in grades P-12.
- iii. Duration: The entities covered in sections 1.c.i and 1.c.ii of this order may be exempt from the face covering requirements provided the following all occur:
1. at least 70% of the total population (i.e. students, teachers, and staff) at the facility or entity are fully vaccinated, and
 2. 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
 3. the facility or entity has consulted with Pitkin County Public Health.
- d. **Denial of Entry.** Except for the limited exemptions and exceptions provided in section g of this Order, 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 Section 1.f.i except when required by federal or state law.
- i. **Reasonable Accommodations:** PCPH recommends that all businesses and facilities subject to this Order review the [State’s Civil Rights Guidance](#).
- e. **Signage Requirement.** All schools, child care facilities, and 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 Public Health are considered sufficient for purposes of this requirement. See



<https://covid19.pitkincounty.com/communications-resources/> for sample print materials.

f. Face Covering Exemptions and Exceptions

- i. **Exemptions.** The following individuals are exempt from the Face Covering requirements of this Order:
 1. Individuals younger than two years of age.
 2. Individuals who cannot medically or developmentally tolerate a Face Covering.
- ii. **Exceptions.** Individuals performing any of the following activities are exempt from the Face Covering requirements of this Order while the activity is being performed:
 1. 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.
 2. Individuals who are seated at a food service establishment or actively eating or drinking.
 3. Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
 4. Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
 5. 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.
 6. Individuals who are receiving a personal or medical service where the temporary removal of a Face Covering is necessary to perform the service.



7. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
8. Individuals participating in certain indoor sports activities as permitted by [Pitkin County Public Health's sports guidance](#);
9. 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.
10. Individuals who are alone in an enclosed room.
11. 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.
 - a. Facilities may be excepted from the mask requirements provided the following all occur:
 - i. The facility submits an application to certify as an Approved Fully Vaccinated Facility;
 - ii. 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;
 - iii. The facility continues to require and checks proof of vaccination of all individuals entering the facility;
 - iv. The facility agrees to inspections by Pitkin County Public Health for compliance;
 - v. The facility posts signs at entrances that indicate that proof of full vaccination is required for entry and that masks are optional or recommended.

2. General Requirements for Businesses.

- a. **Inform Non-resident Visitors and Guests to Pitkin County.** All open businesses that take reservations from or otherwise serve non-Local Residents (including hotels, short-term rentals, other lodging, outdoor recreational guides,



and the like) must inform the non-Local Resident customers, guests, or attendees about the restrictions in this Order, including by:

- i. Providing all guests with the Pitkin County [Traveler Responsibility Code](#) which contains information about local requirements (i.e. face covering requirements) and COVID-19 behavior expectations.
 - ii. Providing notice in advance of their visit to Pitkin County where possible to do so.
 - iii. Duration: The requirements in Section 2.a.i and 2.a.ii are in effect until May 1, 2022.
- b. Event Safety Plans.** Businesses holding public or private gatherings with 50 or more people must submit and adhere to an Event Safety Plan. Events that require a city, town or county permit must submit an Event Safety Plan and permit application. Events that do not require a city, town or county permit and are hosted in a commercial space with an Event Safety Plan on file must adhere to the facility's Event Safety Plan. The Event Safety Plan is available on the [Pitkin County COVID-19 website](#).
- i. **Individual Compliance with Event Safety Plans.** Individuals shall adhere to any additional requirements imposed by businesses as a condition of entering their premises or attending gatherings they organize as set forth in the applicable Event Safety Plan submitted to Pitkin County by the business in question by which the business is permitted to operate.
 - ii. Duration: The requirements in Section 2.b and 2.b.i are in effect until May 1, 2022.

3. Additional General Requirements.

- a. Upon suspension of all elective surgeries at the discretion of Aspen Valley Hospital the following requirements shall be in effect:
 - i. All businesses, including but not limited to non-critical office-based businesses, non-critical retail, non-critical manufacturing, field services, indoor events, personal services, limited healthcare settings, restaurants, bars, smoking lounges, houses of worship and life rites ceremonies, ski resorts, hotels and other places of accommodation, recreation, including gyms and recreation centers, organized recreational youth or adult league sports, outdoor guided activities, children's day camps, residential camps, youth sports day camps, and exempt single-skill building youth camps must operate at 50% of the posted occupancy limit indoors.



1. Exceptions:
 - a. The designated sectors and activities may be excepted from the capacity requirements provided the facility or event is an **Approved Fully Vaccinated Facility**.
 - b. All **Critical Businesses** and **Critical Government Functions**, as defined in Appendix A and Section 4.f of this Order, are excepted from the capacity requirements of this Order.
- b. Upon implementation of Aspen Valley Hospital Crisis Standards of Care, the following requirements shall be in effect:
 - i. **Stay at home.** All individuals currently living within Pitkin County are ordered to Stay at Home whenever possible and may leave their Residences only to perform or utilize **Necessary Activities**.
 - ii. All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes expressly permitted in this Order which include Essential Activities. Nothing in this Order prohibits the gathering of members living in the same Residence.
 - iii. All visitors to Pitkin County are directed to return home immediately upon the issuance of this Order by the fastest and safest available means, and persons considering visiting Pitkin County should remain home. Although non-resident homeowners are expressly exempt from this paragraph, non-resident homeowners are strongly encouraged to leave or not travel to Pitkin County.
 - iv. All travel, including, but not limited to, travel by automobile or public transit, except Necessary Travel is prohibited. People must use public transit only for purposes of performing Necessary Activities or to travel to and from work to operate Critical Businesses or maintain Critical Governmental Functions.
 - v. There shall be no new bookings or reservations during this time. Current reservations for the timeframe anticipated in this Order shall be cancelled for all short-term lodging, including but not limited to hotels, motels, short-term lodging accommodation rentals of 30 days or less (e.g., Airbnb, VRBO, timeshares, RV parks, bed and breakfasts, condo-tels, lodges and retreats).



- vi. All businesses with a facility in the County, except **Critical Businesses** as defined herein, are required to cease all activities at facilities located within the County except for **Minimum Basic Operations** as further defined herein. For clarity, businesses not listed as a Critical Business may also continue operations consisting exclusively of employees or contractors performing activities remotely or can provide pick-up or delivery service as long as such businesses are otherwise in compliance with this Order.
- vii. All PK-12 public and private schools are required to consider ceasing in-person instruction and activities at school facilities in consultation with Pitkin County Public Health.

4. 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. **“Business”** includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- c. **“Bar”** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- d. **“Suspension of all elective surgeries at the discretion of Aspen Valley Hospital”** means that AVH reviews capacity to conduct surgical procedures that are not considered emergent (not a threat to life, limb or wellbeing if not performed immediately) and chooses to defer those in order to preserve hospital resources (beds, supplies, staffing) not only in our immediate community but regionally and statewide.
- e. **“Aspen Valley Hospital Crisis Standards of Care”** are guidelines for how the medical community should allocate scarce resources such as ventilators and intensive care unit beds in the extreme case when patient needs exceed the resources available.



- f. **“Critical Business”** includes any business, including any for-profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed in Appendix A of this Order.
- g. **“Critical Government Functions”** includes the following:
- i. Public safety (police stations, fire and rescue stations, correctional institutions, emergency vehicle and equipment storage, and emergency operation centers)
 - ii. Emergency response
 - iii. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business
 - iv. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
 - v. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
 - vi. Designated emergency shelters
 - vii. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
 - viii. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
 - ix. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Necessary Activities
 - x. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
 - xi. Hazardous material safety



- xii. Services to at-risk populations and Individuals at Risk of Severe Illness from COVID-19
 - xiii. Activities related to federal, state, and local elections, including any required acts of a political party
 - xiv. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
 - xv. Election operations and activities within voter services and polling centers, county clerk offices, and other locations where election operations occur, including but not limited to the functions performed by election judges, signature gatherers/circulators, authorized watchers, and voters.
- h. “Event”** means a gathering for business, social, or recreational activities, or a location that allows for such activities which takes place either indoors or outdoors; including, but not limited to, community, civic, public, leisure, social, or sporting events, parades, concerts, festivals, assemblies, places of worship, weddings, birthday parties, block parties, playgrounds, conventions, fundraisers, restaurants and bars, community recreational centers, ice rinks, libraries, child care centers, and similar activities or locations.
- i. “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.
- j. “Field Services”** means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.
- k. “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.
- l. “Gym”** means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.
- m. “Household Members”** means individuals who reside in the same Residence.



- n. **“Indoor Events”** means activities like receptions, events, concerts, indoor markets, indoor malls, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- o. **“Limited Healthcare Settings”** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services.
- p. **“Minimum Basic Operations”** means the minimum necessary activities to (1) maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely.
- q. **“Necessary Activities.”** For the purposes of this Order, individuals are encouraged to only leave their Residence to perform any of the following Necessary Activities:
 - i. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
 - ii. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.
 - iii. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running.
 - iv. Performing work for businesses, government entities, and industries authorized by Section 3 of this Order, or to otherwise carry out activities permitted in this Order.



- v. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.
- r. **“Necessary Travel.”** For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a new residence, including individuals whose Residence is unsafe due to domestic violence concerns.
- s. **“Non-Critical Office-Based Business”** means any commercial business that is conducted in an office and not a production environment and is not included in the list of Critical Businesses in Appendix A.
- t. **“Non-Critical Retail”** means any retail service that is not included in the list of critical retail services in Appendix A. Examples of Non-Critical Retail include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops, apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.
- u. **“Personal Service”** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. Personal Services include, but are not limited to, pastoral services, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided.
- v. **“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
- w. **“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.
- x. **“Recreation”** means gyms and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- y. **“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.
- z. **“Restaurant”** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.
- aa. **“School”** means a public, private, or parochial nursery school, day care center, child care facility or child care center, family child care home, foster care home, head start program, kindergarten, elementary or secondary school through grade twelve. A school includes all grade levels contained in a building or multiple buildings on a campus.
- bb. **“Smoking Lounge”** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.
- cc. **“Stay at Home”** means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide,



support, perform, or operate Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses.

- dd. **“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 1.a 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 1.a.i.

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

November 18, 2021

Public Health Director



APPENDIX A: CRITICAL BUSINESSES

Critical Business. Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, may continue to operate as normal. Critical Businesses must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and Pitkin County Public Health.

“**Critical Business**” means:

1. **Healthcare Operations, Including:**

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

2. **Critical Infrastructure, Including:**

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater
- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals
- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain



- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

3. Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a Critical Business

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Marijuana dispensary
- Liquor stores
- Firearms stores
- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)
- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

5. Critical Services, Including:

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses



- Building cleaning and maintenance
- Child care services
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries, and may operate as authorized for Life Rites.
- In-person pastoral services for individuals who are in crisis or in need of end-of-life services provided Distancing is observed to the greatest extent possible.
- Storage for Critical Businesses
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants

6. News Media, Including:

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Defense, Including:



- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

10. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security
- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection
- Snow removal
- Bail bonds agents
- Pest control

11. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services

- Logistics
- Technology support for online and telephone services
- Child care programs and services
- Government owned or leased buildings
- Critical Government Functions

12. Educational Institutions that Provide Critical Services to Students and the General Public:

- P-12 public school and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and providing in person learning or other essential services to students as determined by the school or school district in consultation with the local public health agency.
- Postsecondary institutions, including private and public colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education, or performing essential functions such as security, medical and mental health services, housing, food services, and critical research.