



TRI-COUNTY HEALTH DEPARTMENT PUBLIC HEALTH ORDER
ADOPTING AND EXTENDING STATE STAY AT HOME ORDERS

APRIL 25, 2020

Pursuant to Colo. Rev. Stat. §§ 25-1-506, 508, 509, and 516, the Tri-County Health Department (“TCHD”) hereby issues this Public Health Order adopting, incorporating, and extending (a) Executive Order D-2020-024 issued by the Governor on April 6, 2020, (b) Fourth Updated Public Health Order 20-24 issued by CDPHE on April 9, 2020, and (c) Updated Notice of Public Health Order 20-22 Closing Bars, Restaurants, Etc. issued by CDPHE on March 19, 2020 (“State Stay at Home Orders”). Those Orders close certain businesses and require residents to stay at home except for necessary travel, including in Adams County, Arapahoe County, and Douglas County so as to control and slow the spread of the SARS-CoV-2 virus (“coronavirus”) and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The goal of this Order shall be to control and reduce the spread of COVID-19, to protect the public health, safety, and welfare, and to maintain consistent healthcare capacity in TCHD’s jurisdiction to adequately treat patients suffering from COVID-19.

FINDINGS

Whereas, TCHD has public health jurisdiction over Adams, Arapahoe, and Douglas Counties. In furtherance of its jurisdiction, TCHD has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within its jurisdiction, 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 with TCHD’s jurisdiction as it may find necessary for the protection of public health.

Whereas, COVID-19 is a respiratory illness transmitted like other respiratory illness through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease.

Whereas, COVID-19 was first detected in Wuhan, China in late 2019, and since then has spread to over 60 countries, including the United States. As of April 24, 2020, there are 12,255 known positive cases of COVID-19 state-wide in Colorado, and 3,016 known positive cases in Adams and Arapahoe Counties, as well as 674 deaths related to COVID-19 state-wide and 143 deaths in Adams and Arapahoe Counties. As of that date, there are 403 known positive cases of COVID-19 in Douglas County and 21 deaths.

Whereas, on March 25, 2020 the Governor issued Executive Order D 2020-017 closing non-critical businesses and requiring all Coloradans to stay at home except for necessary travel. On April 6, 2020 the Governor issued Executive Order 2020-024 that amended and extended D-2020-017.

Whereas, on March 26, 2020 CDPHE issued Public Health Order 20-24 detailing the specific requirements for individuals and businesses subject to Stay at Home requirements. On April 9, 2020 CDPHE issued the Fourth Updated Public Health Order 20-24 that amended and extended the original Public Health Order 20-24. The Fourth Updated Public Health Order 20-24 includes the incorporation of, and requirements to comply with, the Updated Notice of Public Health Order 20-22 Closing Bars, Restaurants, Etc. issued by CDPHE on March 19, 2020.

Whereas, both Executive Order D 2020-024 and Fourth Updated Public Health Order 20-24 are set to expire April 26, 2020. Updated Notice of Public Health Order 20-22 is set to expire April 30, 2020.

Whereas, scientific evidence shows that limiting interactions among people to the greatest extent practicable is essential to slow virus transmission as much as possible to protect the vulnerable populations and to prevent the health care system from being overwhelmed.

Whereas, the health conditions and healthcare issues that led to the issuance of the State Stay at Home Orders have not abated in Adams and Arapahoe Counties and those Counties continue to have high rates of transmission of COVID-19 as well as illness and death therefrom. However, the health conditions and healthcare issues that led to the issuance of the State Stay at Home Orders have declined in Douglas County and its rates of cases of COVID-19 as well as hospitalization and death therefrom are substantially lower than the rates exhibited in Adams and Arapahoe Counties.

ORDER

Pursuant to the statutory authority granted the Executive Director of TCHD, and at the authorization and direction of the TCHD Board of Health, the following is ordered:

1. Residents of and businesses operating within Adams County and Arapahoe County are ordered to continue abiding by the requirements of the State Stay-At-Home Orders through midnight on May 8, 2020, even though those orders as issued by the State would otherwise expire on April 26, 2020 and April 30, 2020 as noted above. By this Order, TCHD hereby adopts and incorporates by reference all terms and conditions of the State Stay-At-Home Orders, as set forth therein, with one limited exception as noted in Paragraph 2 below.
2. In CDPHE's Fourth Updated Public Health Order 20-24, Critical Businesses (as defined therein) were authorized to offer retail sales through curbside delivery, but Non-Critical Businesses were precluded from doing so. By this Order, the State Stay-At-Home Orders as applied in Adams and Arapahoe Counties are amended to permit non-Critical Businesses to offer curbside delivery of products. The definition of Necessary Travel is hereby amended to allow travel to pick up goods through curbside delivery. Non-Critical

Businesses must otherwise remain closed to the public and Non-Critical Businesses must indicate by appropriate and conspicuously posted signage that members of the public may not enter their physical locations. Onsite staffing of Non-Critical Businesses is limited to the minimum number of employees necessary to fill and process orders and to provide curbside delivery, in addition to Minimum Basic Operations as defined in the State Stay at Home Orders. However, in no event shall the number of employees permitted at the physical location of a Non-Critical Business exceed the number permitted by any existing or future State order. Employees of Non-Critical Businesses who are able to work remotely must continue to do so.

3. Colorado's Safer-At-Home, announced by the Governor on April 20, 2020, does not apply in Adams and Arapahoe Counties. However, nothing in this Order shall be construed to be less restrictive than any state order.
4. For the reasons stated in the findings above, this Public Health Order does not apply to residents of and businesses operating within Douglas County.

ADVISEMENT AND ADDITIONAL INFORMATION

Along with CDPHE, TCHD is tasked with protecting the health, safety, and welfare of the citizens of Adams, Arapahoe, and Douglas Counties as it relates to epidemic and communicable diseases, including COVID-19. This Order is necessary to control transmission of that disease to persons and to maintain consistent healthcare capacity in TCHD's jurisdiction. 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 TCHD Call Center at 303-220-9200 or view the COVID-19 information on TCHD's website at www.tchd.org.

It is unlawful for any person to willfully violate, disobey, or disregard this Order. Any person who does so may be guilty of a class 1 misdemeanor and, upon conviction thereof, may be punished by a fine of up to \$5,000.00 and imprisonment in county jail for up to eighteen months., per C.R.S. §§25-1-516 and 18-1.3-501. In addition, if you do not comply with this Order, TCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

Any person aggrieved and affected by this Order is entitled to Colorado state district court judicial review of this Order pursuant to and in accordance with C.R.S. §25-1-515. However, the aggrieved and affected person must continue to comply with the terms of this Order while his, her, or its request for judicial review is pending.

If any part or provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of this 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 parts and provisions of this Order are severable.

This Public Health Order shall be in effect from April 27, 2020, at 12:01 a.m., and continuing until midnight on May 8, 2020, unless earlier amended, extended, rescinded, or superseded in writing by the Executive Director of TCHD.

DONE AND SIGNED, as the official Order of the Medical Director and Public Health Officer (“Executive Director”) of the Tri-County Health Department on this 25th day of April, 2020, at the authorization and direction of the TCHD Board of Health.

TRI-COUNTY HEALTH DEPARTMENT

A handwritten signature in blue ink that reads "John M. Douglas, Jr., M.D." with a stylized flourish at the end.

By: John M. Douglas, Jr., M.D.
Executive Director