



SUMMIT COUNTY PUBLIC HEALTH

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**December 29, 2021**

AMENDED AND RESTATED STANDING PUBLIC HEALTH ORDER  
REGARDING THE COVID-19 PANDEMIC  
FOR SUMMIT COUNTY, COLORADO

- 1. Purpose, Effective Area.** This Amended and Restated Public Health Order is being issued to limit the health impacts of COVID-19. This Order sets forth requirements and guidelines for group gatherings, business operations, personal responsibility, and additional guidance to slow the spread of COVID-19. This Order is effective within the entirety of Summit County, including all towns within the County.
- 2. Effective Date and Time, Limitations.** The Public Health Order will become effective at 12:01 a.m. on December 30, 2021, unless otherwise specifically provided for herein, and will remain in effect until 11:59 p.m. January 31, 2022 unless extended, rescinded, superseded, or amended in writing.
- 3. Findings and Intent.** As of December 28, 2021, there were 896,403 known cases of COVID-19 in Colorado; 50,206 Coloradans have been hospitalized and 10,461 Coloradans have died due to COVID-19.

There is clear evidence that some individuals who contract COVID-19 have no symptoms or have very mild symptoms, which means they are likely unaware they carry the virus. Asymptomatic individuals can transmit the disease, and evidence shows the disease is easily spread, so gatherings of people facilitate transmission of COVID-19.

The Public Health Director finds that we must use tools, such as physical distancing and face coverings, to mitigate the spread of COVID-19 to protect health and save lives.

The intent of this Order is to minimize contact among individuals and reduce the public's exposure to the novel coronavirus in an effort to prevent further restrictions and closures being imposed upon the county by the State. The State maintains the authority to move counties quickly to other dial levels as defined in the State public health order and to move a county more than one level at a time. The State continues to recommend that counties like Summit remain diligent in taking steps to lessen the spread of COVID-19.

**4. Legal Authority.** This Order is adopted pursuant to the legal authority set forth in sections 25-1-506 and 25-1-508, 25-1-509, Colorado Revised Statutes as well as all other applicable laws, rules, regulations, orders and declarations. Under this authority, the Summit County Public Health Director has the duty to investigate and control the causes of the epidemic or communicable diseases and conditions affecting public health; to establish, maintain, and enforce isolation and quarantine; to exercise physical control over the property and over the persons of the people within the territorial limits of Summit County; and to prohibit the gatherings of people to protect the public health; all as the Public Health Director may find necessary for the protection of the public health. Issuance of this Order is deemed reasonable under the existing circumstances and necessary for the immediate preservation of the public health, safety and welfare.

**5. Most Restrictive Standard Controls.** To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control. Individuals should be aware that new orders from Governor Polis and the Colorado Department of Public Health and Environment (CDPHE) are being issued on a regular basis, and all members of the public are responsible for following the Governor's orders, CDPHE orders, and local orders. The more restrictive Summit County provisions expressly provided below shall control, except as may otherwise be determined by judicial order.

**6. Incorporation of State Orders.** All Executive Orders issued by the Governor and all CDPHE Public Health Orders are hereby adopted and deemed incorporated herein. This Amended and Restated Public Health Order is intended to clarify and harmonize this Summit County Public Health Order with all of the State's orders.

For purposes of this order, the term "Physical Distancing Requirements" shall have the same meaning as the State defined term "Social Distancing Requirements".

**7. Compliance with State Orders.** In order to safely open and operate, businesses and other entities allowed to operate must comply with all Executive Orders issued by the Governor as well as all CDPHE Public Health Orders and are encouraged to comply with all State Guidance applicable to such operations.

**8. Definitions.** All definitions listed or referenced in the CDPHE Tenth Amended Public Health Order 20-38 Limited COVID-19 Restrictions ("CDPHE PHO 20-38") dated November 30, 2021 as amended, are hereby incorporated and shall have the same meaning in this Order. In particular, the following definitions are stated in this Order for convenience.

a. "Face Covering" means a uniform piece of material or mask that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands as defined in the Order of the Centers for Disease Control and Prevention (CDC) effective February

1, 2021 and as referenced in the CDPHE Tenth Amended Public Health Order #20-38.

b. "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 a location where services are provided. Public Indoor Space includes all enclosed indoor areas except for a person's Residence.

c. "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 members of their same household.

**9. Face Coverings.** Face coverings ("masks") are required as follows:

a. Face Coverings Required for Those Over the Age of Two

- i. Public Indoor Space. All individuals aged 2 or older, regardless of vaccination status, must wear a Face Covering while entering or within any Public Indoor Space.
- ii. K-12 Settings. All persons, regardless of vaccination status, shall wear face coverings when entering and while inside of schools.
- iii. Child Care and Pre-K Settings. All persons, regardless of vaccination status, shall wear Face Coverings when entering and while inside a child care center or Pre-K setting.
- iv. Transportation. All persons, regardless of vaccination status, shall wear Face Coverings when riding in a bus or other form of school-based or center-based (public) transportation as required by federal restrictions.

b. Exceptions - Face coverings are not required:

- i. Persons younger than two years old. Very young children must not wear a mask because of the risk of suffocation.

- ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a mask (as certified by a medical or behavioral health professional). This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
- iii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- iv. Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety.
- v. Individuals who are at a food service establishment while actively eating or drinking.
- vi. Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a particular service requiring legal identification.
- vii. 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 while within an Indoor Public Space.
- viii. Individuals who are receiving a personal or medical service where the temporary removal of a Face Covering is necessary to perform the service.
- ix. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
- x. 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.
- xi. An individual who is alone in an enclosed room.
- xii. Employers and operators of places of public accommodation, and those authorized on their behalf, shall have discretion to deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical Face Covering. Such action shall be applied in a manner consistent with the American Disabilities Act (42 U.S.C. § 12101

*et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or state law.

**10. Additional Mitigation Measures:** Summit County has observed an uptick in positive COVID-19 cases since the introduction of the Delta and Omicron variants in Colorado. Reducing infections is a critical regional concern because hospital capacity is strained and could trigger rationed care. Due to hospital capacity concerns, Summit County Public Health **strongly encourages** the following mitigation measures:

a. Indoor Events:

- i. All seated and unseated, open to the public Indoor Events of 500 or more individuals are strongly encouraged to require all individuals 12 years of age or older to be Fully Vaccinated to be admitted into the Indoor Event. This requirement is not applicable to houses of worship.
- ii. For purposes of this Order, Indoor Events means controlled access seated or unseated indoor venues and activities where gatherings of individuals are likely to occur of 500 or more individuals in one area or rooms, such as, but not limited to, concerts, receptions, bars, dance halls, and auctions. If no single area or room exceeds 500 people, this encouragement does not apply.

b. All restaurants and bars are strongly encouraged to require all individuals 12 years of age or older to be Fully Vaccinated to be admitted.

c. Settings that serve vulnerable or at-risk populations such as homeless shelters, jails, prisons, community corrections programs and facilities, and other congregate living settings are strongly encouraged to implement a vaccine mandate. For all other workers, it is strongly encouraged to require disclosure of vaccine status and serial testing for unvaccinated employees.

**11. Proof of Vaccination.** Any of the following may be used as proof of vaccination:

a. COVID-19 Vaccination Record Card (issued by the U.S. Department of Health and Human Services Centers for Disease Control & Prevention or World Health Organization Yellow Card) which includes name of person vaccinated, type of vaccine provided and dates of last doses administered);

- b. photo of a COVID-19 Vaccination Record Card or immunization record obtained from the Colorado Immunization Information System (CIIS) as a separate document;
- c. a photo of a COVID-19 Vaccination Record Card or immunization record obtained from CIIS, either directly or through the MyColorado application or another verified health application, stored on a phone or electronic device; or
- d. documentation of COVID-19 vaccination from a health care provider.

The Federal Bureau of Investigation issued a [public service announcement](#) confirming that fraudulent vaccination cards are illegal and punishable by law, including fines, imprisonment, or both.

## **12. Additional Information, Recommendations and Requirements for all Persons.**

a. Importance of Public Actions: These actions are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of potential deaths caused by COVID-19. By slowing the spread, we protect our family, friends, and neighbors. In particular, this includes all adults over age 65 and anyone with an underlying health condition.

These actions will limit the cascading impacts on critical services due to high absenteeism if large numbers of workers become ill. This Order and the actions required or recommended herein will help hospitals, first responders, and other health care services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming months. Collective action can save lives and is in support of the most vulnerable in our community. The more united we can be in preventing the spread, the greater the benefit for the whole community.

- b. Importance of Business Actions:
  - i. The actions listed in this Order and in the State of Colorado Public Health Order, are some of the most readily available and effective tools to help slow the spread of the virus in our community – and, importantly, to reduce the number of hospitalizations and deaths caused by COVID-19. By slowing the spread, businesses protect their workers and customers and our local economy.
  - ii. Businesses shall not require, incentivize, encourage or coerce employees, contractors or subcontractors into risking their health by violating this Order, including by working while sick, working without a face covering, or working without proper protective equipment or protocols.
  - iii. Businesses are strongly encouraged to be supportive of employees who are

ordered to self-isolate or quarantine, including by paying them to stay home. Summit County Public Health may publish information about any outbreak at a business so that the public is aware of the extent and nature of disease spread in the community.

**13. Penalties.** Failure to comply with this Order is subject to the penalties contained in Section 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 (18) months.

By:  \_

**Amy Wineland, RN, MSN,  
ND, CPNP Summit County  
Public Health Director  
December 29, 2021**