

SAN JUAN BASIN PUBLIC HEALTH

HEALTH DISTRICT FOR ARCHULETA AND LA PLATA COUNTIES

SECOND AMENDED PUBLIC HEALTH ORDER SJB-21-01

I. FINDINGS

WHEREAS, recognizing their duty and power to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health, the State of Colorado and San Juan Basin Public Health District for Archuleta County, Colorado and La Plata County, Colorado (“Health District”), exercising their respective statutory authority, are working to stop the spread of coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 11, 2020, the Governor of the State of Colorado issued Executive Order D2020-003 declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19 (“EO D2020-003”); and

WHEREAS, on March 16, 2020, the Executive Director and Health Officer of the Health District declared a local disaster emergency pursuant to C.R.S. § 24-33.5-701, et seq., §25-1-506 and §25-1-509 due to the risk of spread of COVID-19, which, on March 17, 2020, was extended by the Health District’s Board of Health, until rescinded by the Board, due to the risk of spread of COVID-19; and

WHEREAS, under Colorado Revised Statutes (C.R.S.) §25-1-506 and §25-1-508, the local Public Health Director has the duty to: 1) investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; and 2) establish, maintain, and enforce isolation and quarantine, and in pursuit thereof, 3) exercise physical control over property and over the persons of the people within the Health District as the local Public Health Director may find necessary for the protection of the public health; and

WHEREAS, as of April 14, 2021, the Colorado Department of Public Health and Environment (CDPHE) has confirmed 481,494 cases of COVID-19 and 6,168 deaths within the state of Colorado, 3,587 cases of COVID-19 and 38 deaths in La Plata County, and 814 cases of COVID-19 and 1 death in Archuleta County; and

WHEREAS, as of April 14, 2021, the seven-day case incidence rate of COVID-19 in La Plata County was 218.6 cases per 100,000 residents and the seven-day case incidence rate of COVID-19 in Archuleta County was 285.7 cases per 100,000 residents, both of which are labeled as “Concern” by CDPHE; and

WHEREAS, as of April 14, 2021, the fourteen-day case incidence rate of COVID-19 in La Plata County was 453.2 cases per 100,000 residents and the fourteen-day case incidence rate of COVID-19 in Archuleta County was 364.2 cases per 100,000 residents, both of which are labeled as “Very High” by the Centers for Disease Control and Prevention (CDC); and

WHEREAS, there is clear evidence that some individuals who contract COVID-19 have no symptoms or have mild symptoms, which means they are likely unaware they carry the virus. Given that even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread by release of infectious particles into the air when someone speaks, coughs, or sneezes, wearing a Face Covering and Physically Distancing while in a Public Place is strongly advised to help mitigate the spread of the COVID-19 virus by the CDC; and

WHEREAS, the CDC recommends a layered approach to reducing exposure to and mitigating the spread of COVID-19 through Physical Distancing, wearing Face Coverings, Hand Hygiene, improved Ventilation, and excluding ill persons from Public Places; and

WHEREAS, as of April 14, 2021, although the Colorado School of Public Health estimates that approximately 30% of Colorado’s population is immune to COVID-19, such percentage is far short of the percentage required to control disease transmission through vaccination alone; and

WHEREAS, as of April 14, 2021, the Colorado School of Public Health reports that delaying policy changes to increase contact between households until mid-May may prevent large numbers of deaths and hospitalizations caused by COVID-19; and

WHEREAS, the CDC advises that individuals may gather indoors if all persons present are Fully Vaccinated Against COVID-19; and

WHEREAS, given the above information, the Public Health Director for the Health District has determined that multiple mitigation measures undertaken by individuals, establishments, and event operators are necessary to control the spread of COVID-19 in Archuleta and La Plata Counties, Colorado, until case incidence rates drop or vaccination rates rise within the Health District.

II. DEFINITIONS

“Critical Business” means any business, regardless of profit-making status or corporate structure, engaged primarily in any of the activities enumerated in Appendix A of the Tenth Amended Public Health Order 20-36 issued by CDPHE dated April 4, 2021, available at [this link](#) and incorporated herein by reference.

“Critical Government Function” means any government or infrastructure function designated as such in section IV.D of the Tenth Amended Public Health Order 20-36 issued by CDPHE dated April 4, 2021, available at [this link](#) and incorporated herein by reference.

“Face Covering” means a medical or non-medical cloth face covering that covers the nose and mouth.

“Fully Vaccinated Against COVID-19” means being two weeks after administration of an individual’s second dose of a 2-dose COVID-19 vaccine series or two weeks after administration of an individual’s single dose COVID-19 vaccine.

“Physical Distancing” means that all persons maintain at least a six-foot distance from other individuals who are not a member of their household or party when in a Public Indoor Space.

“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, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person’s residence, including a room in a motel or hotel or a residential room for students at an educational facility.

III. ORDER

This order supersedes and replaces Public Health Order SJB 20-01, as amended, effective at the time and date specified in Section V.

A. FACE COVERINGS

By this Order, the Public Health Director of the Health District hereby requires that all individuals within the Health District wear a Face Covering while in a Public Indoor Space, unless the individual is ten years of age or younger, or cannot medically tolerate a face covering, except as exempted below.

Individuals are not required to wear a Face Covering while in a Public Indoor Space if all individuals in the Public Indoor Space are Fully Vaccinated Against COVID-19.

Individuals are not required to wear a Face Covering while in a Public Indoor Space if they are participating in the following enumerated activities:

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;
3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
6. Individuals who are actively engaged in a public safety role such as law enforcement, firefighters, or emergency medical personnel;
7. Individuals who are officiating at a religious service; or
8. Individuals who are giving a speech for broadcast or an audience.

Except as exempted above, in order to protect workers, customers, and the community, no owner, operator, or manager of a Public Indoor Space may provide service to individuals or allow an individual to enter or move within that Space, unless the individual is wearing a face covering as required by this Public Health Order.

Owners, operators, or managers of Public Indoor Spaces must post signs at entrance(s) instructing individuals of their legal obligation under this Public Health Order to wear a face covering when entering or moving within a Public Indoor Space.

B. PHYSICAL DISTANCING

By this Order, the Public Health Director of the Health District hereby requires that all owners, operators or managers of Public Indoor Spaces maintain Physical Distancing requirements within their Space to the extent possible. Owners, operators and managers of Public Indoor Spaces shall limit capacity such that six feet of distance is maintained between households or parties, excluding staff.

Public Indoor Spaces may operate up to 100% of normal capacity so long as Physical Distancing can be maintained.

Individuals utilizing enclosed public transportation vehicles shall maintain Physical Distancing requirements to the extent possible.

Critical Businesses and Critical Government Functions must require Physical Distancing requirements unless doing so would make it impossible to carry out critical functions.

C. TRANSMISSION CONTROL

Employers, operators, and sole proprietors shall take all of the following measures within the workplace and at special events to minimize disease transmission:

1. Implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite or through employee self-assessment at home prior to coming to the worksite. If an employee reports any symptoms of COVID-19 or tests positive for COVID-19, take all of the following steps:
 - a. Send employee home immediately,
 - b. Exclude employee until they are no longer contagious per public health guidance.
 - c. If two or more employees have symptoms of COVID-19, consult outbreak guidance from CDPHE available at [this link](#), contact SJBPH, and cooperate with outbreak investigators.
2. Provide work accommodations for individuals at risk of severe illness from COVID-19, such as telecommuting, until such individuals are Fully Vaccinated Against COVID-19.
3. Encourage and enable remote work whenever possible.
4. Schedule and stagger shifts and breaks, whenever possible, to reduce employee density at the worksite and in common areas.
5. Improve ventilation of indoor spaces to the extent possible, according to CDC guidance available at [this link](#).
6. Provide hand sanitizer and/or sinks with soap and hot water for customers and employees.
7. Post signage for employees and customers on good hand hygiene and the requirement to wear Face Coverings. Example signage is available at [this link](#).

Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. Individuals who have tested positive and/or has developed symptoms of COVID-19 must self-isolate until they are no longer contagious per public health guidance.

D. SELF-CERTIFICATION

Special events held in a Public Indoor Space in Archuleta and La Plata Counties, Colorado are required to self-certify to SJBPH, on forms provided by SJBPH, that they will operate in compliance with this Order and applicable orders issued by CDPHE, at least seven days prior to the event date. Recurring special events with identical operations in the same Space are not required to self-certify each instance of the event, but may self-certify once.

All owners, operators, or managers of a business or workplace in a Public Indoor Space in Archuleta and La Plata Counties, Colorado, are encouraged, but not required, to self-certify their compliance with this Order and applicable orders issued by CDPHE to maximize infection control within their Space.

Public Indoor Spaces who self-certified their compliance with state public health orders as required by Public Health Order SJB 20-01 do not need to re-certify their operation under the terms of this order, but may do so at their discretion.

A copy of the self-certification shall be posted in a visible place near to the entrance of the Public Indoor Space once it is complete.

IV. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Failure to comply with this Order could result in penalties, including jail time, and fines, and a non-complying business or individual may also be subject to discipline on a professional license based upon the applicable practice act.

V. EFFECTIVE DATE AND EXPIRATION

When either Archuleta or La Plata County reaches a one-week COVID-19 case incidence rate of 35 or fewer cases per 100,000 residents and maintains that rate below 35 cases per 100,000 residents for seven consecutive days, this Order shall no longer apply to that county.

This Order shall be effective at the time and date shown below and shall be effective until May 16, 2021.

Date/Time: April 15, 2021 at 5:30 PM

By: 
Liane Jollon, Public Health Director

Attest:


Brian Devine, Environmental Health Director