



Public Health

PUBLIC HEALTH ORDER 2021-04 ADOPTION OF BOULDER COUNTY COVID-19 DIAL

Pursuant to Colorado Revised Statutes (“C.R.S.”) §§ 25-1-506, 508, 509, and 516, Boulder County Public Health issues this Public Health Order to continue to control and slow the spread of the SARS-CoV-2 virus and to mitigate the effects of the disease COVID-19 caused by the virus. The goal of this Order shall be to control and reduce the spread of COVID-19, so as to maintain consistent health care capacity in Boulder County and to protect the public health, safety, and welfare of the Boulder County community.

I. FINDINGS

Whereas, Boulder County Public Health (“BCPH”) has public health jurisdiction over Boulder County, Colorado (“Boulder County”), including all cities and towns therein. In furtherance of its jurisdiction, BCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Boulder County, as well as the power and duty to close schools and public places; to prohibit gatherings of people when necessary to protect public health; to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, to exercise physical control over property and over persons within Boulder County as BCPH may find necessary for the protection of public health; and

Whereas, COVID-19 is an illness transmitted primarily through person-to-person contact via respiratory droplets. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms include fever, cough, 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; and

Whereas, COVID-19 was first detected in Wuhan, China, in late 2019, and since then has spread to over 219 countries and territories, including the United States. As of April 11, 2021, there have been 478,678 confirmed or probable positive cases of COVID-19 statewide in Colorado and 21,608 confirmed or probable positive cases in Boulder County, as well as 6,296 deaths related to COVID-19 cases statewide and 250 deaths in Boulder County; and

Whereas, on March 10, 2020, the Governor of the State of Colorado Jared Polis (“Governor”) declared a State of Emergency related to the presence of COVID-19 in the State of Colorado (“State”); and

Whereas, on March 14, 2020, the Chair of the Board of County Commissioners for Boulder County (“BOCC”) declared a local disaster emergency, which, on March 19, 2020, was extended by the BOCC; and

Whereas, due to the continued presence of COVID-19, the Governor has issued various executive orders and both BCPH and the Colorado Department of Public Health and Environment (“CDPHE”) has issued various public health orders; and

Whereas, there is substantial evidence of the continued spread of COVID-19 throughout Boulder County. As of April 11, 2021, there are 21,608 known positive cases in Boulder County and 250 deaths of Boulder County residents. In addition, 7-day cumulative incidence rates (cases per 100,000) have recently been increasing and currently exceed 150 per 100,000. In addition, there is evidence of spread of the more contagious B.1.1.7 and P.1 variants of COVID-19 in Boulder County; and

Whereas, vaccine access is increasing in Boulder County, but demand for vaccine still exceeds available vaccine supply; and

Whereas, hospital admission rates in Boulder County provide a specific metric that accounts for severity of cases; and

Whereas, on April 16, 2021, Colorado Executive Order D-2020-235 and CDPHE Order 20-36, as amended and extended, are expected to expire, and Colorado's COVID-19 Dial ("Dial") will become non-mandatory guidance at the State level; and

Whereas, according to the University of Colorado School of Public Health Data Modeling, the public health measures identified in this Order, along with the wearing of facial coverings indoors, can significantly reduce the number of additional deaths and hospitalizations from COVID-19 over the next month; and

Whereas, counties in the Denver Metropolitan Area, to ensure consistency and minimize confusion for businesses and the community, desire to adopt Colorado's COVID-19 Dial, as issued on April 4, 2021, and as amended herein. Boulder County assumes the restrictions of the next less-restrictive level on the Dial, based on CDPHE Public Health Order 20-36 metrics, as of April 16, 2021.

II. DEFINITIONS

- A. **Critical Business** is any business that is designated as a critical business under the terms of the CDPHE [Tenth Amended Public Health Order 20-36 COVID-19 Dial](#) dated April 4, 2021.
- B. **Critical Government Function** is any governmental function that is designated as critical under the terms of the CDPHE [Tenth Amended Public Health Order 20-36 COVID-19 Dial dated](#) April 4, 2021.

III. ORDER

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

1. **Assignment to and Movement Between Dial Levels – April 16, 2021, Through May 15, 2021.**
 - a. ***PHASE I: Moving Toward Full Re-opening – In Effect for 30 Days.***

- i. **Level Designation:** Upon devolution of CDPHE Public Health Order 20-36 on April 16, 2021, BCPH adopts the Colorado “COVID-19 Dial” framework, as modified below, and Boulder County will move to one level less protective based on its case incidence and positivity “Dial” metrics as of April 16, 2021 (“Phase I Level”).
 - ii. **Duration:** Between April 16, 2021 and May 16, 2021, Boulder County will remain in the Phase I Level.
 - iii. **Movement:** Boulder County will not move levels during the 30-day Phase I Level between April 16, 2021 and May 16, 2021.
 - iv. **Restrictions:** Boulder County must follow the **Capacity Restrictions** for the Phase I Level located in Section III. 2. and Appendix A of this Order and the **Mitigation Requirements for All Sectors** located in Section III. 3. of this Order.

- b. **PHASE II: Observation Period – May 16, 2021, Through August 15, 2021.**
 - i. **Level Designation:** Upon conclusion of the Phase I Level on May 15, 2021, Boulder County will move to Level Clear – New Normal – 100% capacity with no Mitigation Requirements as defined in Section III.1.b.iii.1 of this Order. Face covering requirements may still apply and State orders, if any, may still apply. In addition, municipal jurisdictions may implement their own protective measures, and this Order shall not be construed as prohibiting any business from implementing or continuing such protective measures.
 - ii. **Duration:** Between May 16, 2021, and August 15, 2021 – 90 days – Boulder County will remain at Level Clear, subject to observation by BCPH and movement as defined in Section III.1.b.iii of this Order.
 - iii. **Movement:** Boulder County will begin Phase II in Level Clear. Boulder County may then be assigned to the Dial Level most reflective of its [rate of hospital admissions of County residents](#) as described in this section and Appendix A. Boulder County will be moved to more or less restrictive Levels if experiencing rates reflective of more or less restrictive Levels for 7 consecutive days over a 14-day rolling average.
 - 1) *Level Clear:* up to 2 hospital admissions of Boulder County residents per 100,000 population.
 - 2) *Level Blue:* greater than 2.0 and up to 3.0 hospital admissions of Boulder County residents per 100,000 population.
 - 3) *Level Yellow:* greater than 3.0 and up to 4.0 hospital admissions of Boulder County residents per 100,000 population.
 - 4) *Level Orange:* greater than 4.0 and up to 5.0 hospital admissions of Boulder County residents per 100,000 population.
 - 5) *Level Red:* More than 5.0 hospital admissions of Boulder County residents per 100,000 population.
 - 6) *Level Purple:* More than 5.0 hospital admissions of Boulder County residents per 100,000 population and hospital capacity threatened.

- iv. **Restrictions:** Boulder County must follow the **Capacity Restrictions** for its assigned Level located in Section III. 2. and Appendix A of this Order. Mitigation Requirements for All Sectors, located in Section III.3. of this Order, are not required under Level Clear.
 - c. BCPH, in the interests of public health, safety, and welfare, reserves the right to move Boulder County one or more levels quicker than stated above and to implement other restrictions as circumstances warrant.
- 2. **Capacity Restrictions:**
 - a. Boulder County shall follow the capacity restrictions set forth on Appendix A for its Level designation.
 - b. Any business or activity not specifically otherwise addressed in this Order or Appendix A may operate as an indoor or outdoor event, depending on whether the business or activity is indoors or outdoors.
 - c. There are no local Capacity Restrictions or Mitigation Requirements in Level Clear except as provided by the statewide order or local face covering order.
- 3. **Mitigation Requirements for All Sectors – Levels Blue, Yellow, Orange, Red, and Purple.**
 - a. All requirements in this section shall apply unless impossible or unsafe to carry out the activity or function while complying.
 - b. Critical Businesses and Critical Government Functions may continue to operate, and must comply with Distancing Requirements, all requirements of this Order, and any applicable State of Colorado Executive Orders or CDPHE Public Health Orders and mandatory guidance, unless doing so would make it impossible to carry out critical functions.
 - c. **Distancing Requirements:**
 - i. Individuals shall maintain at least six feet of distance from other individuals who are non-household members. However, nothing in this section shall limit groups of up to ten (10) individuals from attending events together or patronizing a restaurant or bar together, and nothing in this section shall limit organized sports activities, so long as these activities comply with the requirements of this Order.
 - ii. Businesses should arrange their space or seating areas to accommodate six-foot distancing of non-household members at all times.
 - iii. Shared or common indoor areas where people congregate without observing six-foot distancing should be closed or discouraged.
 - iv. Virtual meetings should occur, where possible, to reduce unnecessary in-person gatherings.
 - v. Remote work should be prioritized and enabled whenever practical.
 - vi. Business policies should be adopted and implemented to reduce density, such as staggering arrivals and dismissals of employees and customers, using reservation systems, marking spaces six feet apart where lines tend to form, and designating separate entrances and exits.
 - d. **Facial Covering Requirements:**

- i. Facial coverings are required pursuant to [Colorado Executive Order D 2020 138](#) as amended and extended, and BCPH's [Facial Covering Public Health Order 2021-03](#), as amended and extended.
 - ii. Employers should provide protective gear for their employees, such as face shields and gloves (where appropriate) and facial coverings.
 - e. **Hygiene, Symptoms, Cleaning, and Disinfecting:**
 - i. Employers must require any employee who is showing any symptoms or signs of sickness, or who has been in contact with a known positive COVID-19 case, to stay home. Employers must ensure that paid sick leave policies are consistent with State law and should communicate those policies to employees. See the [Colorado Department of Labor and Employment's Paid Leave Under the Healthy Families and Workplaces Act Interpretive Notice & Formal Opinion \[En Español\]](#) and [Colorado Workplace Public Health Rights Poster \[En Español\]](#).
 - ii. Customers showing any symptoms or signs of sickness, or who have been in contact with known positive COVID-19 cases, must stay home and follow isolation and quarantine guidance. Businesses should implement flexible cancellation policies to encourage customers to stay home when ill or exposed.
 - iii. Follow U.S. Centers for Disease Control & Prevention's (CDC) [When and How to Wash Your Hands](#) guidance.
 - iv. Follow CDC's [Cleaning and Disinfecting Your Facility](#) guidance.
 - f. **Ventilation:**
 - i. Ensure proper ventilation and maximize ventilation by adopting strategies, such as opening windows, whenever possible and upgrading and replacing air filters as needed.
 - ii. Businesses and individuals are encouraged to move interactions among members of different households outdoors whenever possible.
 - g. **Signage:**
 - i. Post signage that facial coverings are required to enter any public indoor space per the requirements of Colorado Executive Order D 2020 138, as amended, or per requirements of BCPH's Facial Covering Public Health Order 2021-02, as amended and extended.
 - ii. Post signage on good hygiene practices, including washing hands and distancing.
 - iii. Post signage reminding individuals to maintain physical distance.
 - iv. Post signage prohibiting anyone showing any symptoms or signs of sickness from entering.
 - v. All signage should be easy to follow and in clear languages for employees and customers to understand.
 - h. **Indoor Personal Social Gatherings:**
 - i. Indoor Personal Social Gatherings should follow [CDC guidance on gatherings](#). This Order presumes that an indoor personal social gathering consists of ten (10) people or less. Indoor gatherings greater than ten (10) people should follow indoor events requirements, as defined by the applicable Level in Appendix A.
 - i. **Large Events:**

- i. A Large Event is any indoor or outdoor event or gathering with more than 500 attendees. Not all Levels may permit gatherings of this size.
- ii. All organizers of Large Events must submit plans to BCPH at Covidbiz@bouldercounty.org detailing how they will comply with the requirements of this Order.
 - 1) The plan must demonstrate an ability to comply with each Requirement for All Sectors above and must show sufficient measures for mitigating the risk of COVID-19 taking into account the prevalence and variant of SARS-CoV-2 within Boulder County and neighboring jurisdictions. Mitigating factors may include, but are not limited to, event organizers requiring facial coverings, additional distancing requirements, additional entrances and exits, timed entry, whether the event is seated or unseated, whether the event organizers are able to cohort groups of individuals, etc.
 - 2) Plans must be submitted at least 14 days prior to scheduled activities unless prior authorization is obtained from BCPH.
 - 3) Plans will be reviewed and retained by BCPH; however, plan approval is not required prior to scheduled activities.
 - 4) BCPH reserves the right to require additional plan information and mitigation steps to ensure sufficient mitigation of the risk of spreading COVID-19.

4. Business 5-Star Certification Programs:

- a. Boulder County may choose to continue its Business 5-Star Certification Programs under this Order.
- b. All Boulder County Program operations must comply with CDPHE’s Program requirements, as stated in the Tenth Amended Public Health Order 20-36, except that businesses are not required to symptom-screen customers or collect contact information from customers.

IV. OTHER PUBLIC HEALTH ORDERS RELATED TO COVID-19

Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning medical Facial Coverings (“Masks”).

Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose Facial Covering requirements beyond those contained in this Order.

Nothing in this Order should be construed to preempt any local Public Health Orders.

Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.

V. ADVISEMENT AND ADDITIONAL INFORMATION

Any business that is in violation of this Order may be subject to a civil action, including but not limited to injunctive relief pursuant to C.R.S. § 25-1-514 and reimbursement of expenses

pursuant to C.R.S. § 25-1-516(3), and reporting to the appropriate licensing agency for suspension or revocation of its license pursuant to Paragraph II.K of the Governor's Executive Order 2020-138.

Along with CDPHE, BCPH is tasked with protecting the health and welfare of the citizens of Boulder County by investigating and controlling cases of epidemic and communicable disease. This Order is necessary to control the transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

Anyone with questions regarding this Order should contact the BCPH Call Center at 720-776-0822 or view the COVID-19 information on BCPH's website at BoCo.org/COVID-19.

Individuals wishing to obtain a COVID-19 vaccine may locate a provider at www.boco.org/COVIDVaccines

This BCPH Public Health Order shall be in effect from April 16, 2021, at 12:01 a.m., and shall terminate at 11:59 p.m. on August 15, 2021, unless earlier amended, extended, or rescinded in writing by the Executive Director or Interim Executive Director of BCPH.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR.



Alexandra Nolen, Ph.D., MPH
Interim Executive Director
Boulder County Public Health

Date: April 12, 2021

APPROVED BY BOULDER COUNTY BOARD OF HEALTH: April 12, 2021

APPENDIX A

| | Level Clear: New Normal | LEVEL BLUE: CAUTION | LEVEL YELLOW: CONCERN | LEVEL ORANGE: HIGH RISK | LEVEL RED: SEVERE RISK | LEVEL PURPLE: EXTREME RISK |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Metric for Phase 2 – Hospital Admissions per 100,000 | 0-2 | 2 -3 | 3 -4 | 4-5 | >5 | >5 and Hospital Capacity is Threatened |
| HIGH-RISK POPULATIONS | No local capacity restrictions. Must still be attentive to hygiene and sanitation and must ensure paid leave policies meet state law requirements to ensure employees remain home when sick. | Use Caution Eligible for worker benefits and mandatory prioritization for remote work. | Advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work. | Strongly Advised to Stay at Home Eligible for worker benefits and mandatory prioritization for remote work. | Stay at Home Eligible for worker benefits and mandatory prioritization for remote work. | Stay at Home Ordered Eligible for worker benefits and mandatory prioritization for remote work. |
| PERSONAL GATHERING SIZE | | Indoor personal gatherings should follow the CDC guidance on gatherings up to 10 people and indoor events or outdoor event for more than 10 people. | Indoor personal gatherings should follow the CDC guidance on gatherings up to 10 people and indoor events or outdoor event for more than 10 people. | Up to 10 people from no more than 2 households. | None; gatherings of 2+ people from different households prohibited. | None; gatherings of 2+ people from different households prohibited. |
| CHILDCARE | | Open | Open | Open | Open | Open |
| P-12 SCHOOLS | | In-person. | In-person suggested, hybrid, or remote as appropriate. | In-person suggested, hybrid, or remote as appropriate. | <i>P-5:</i> in person suggested, hybrid, or remote as appropriate. <i>Middle School:</i> In-person, hybrid, or remote suggested. <i>High School:</i> Hybrid or remote suggested. | In-person, hybrid, or remote as appropriate. |
| HIGHER EDUCATION | | In-person. | In-person, hybrid, or remote as appropriate. | In-person, hybrid, or remote as appropriate. | Remote suggested, limited in-person when necessary. | Remote suggested, very limited in-person when necessary. |
| RESTAURANTS | | 6 feet between parties up to 100% capacity. | 50% capacity up to 150 people 6 feet between parties outdoors, per local zoning. | 25% capacity up to 50 people 6 feet between parties outdoors, per local zoning. | Indoor dining closed. Takeout, curbside, delivery, or to-go, outdoor/open air with only groups of same household is open. | Indoor and outdoor dining closed. Takeout, delivery, or to-go is open. |
| LAST CALL FOR ON-PREMISE | | 2 a.m. | 1 a.m. | 12 a.m. | 10 p.m. | No on-premise service. |
| SMOKING LOUNGES | | 50% capacity up to 25 people. | 50% capacity up to 10 people. | 25% capacity up to 10 people. | Closed. | Closed. |
| NON-CRITICAL MANUFACTURING | | 75% capacity. | 50% capacity up to 50 people (or up to 100 with calculator). | 25% capacity up to 50 people. | 25% capacity up to 50 people. | 10% capacity or 25 people. |
| OFFICES | | 75% capacity. | 75% capacity, remote work is strongly encouraged. | 25% capacity, remote work is strongly encouraged. | 10% capacity, remote work is strongly encouraged. | Remote work or closed. |

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|-------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BARS | | 25% capacity up to 75 people. | Closed. | Closed. | Closed. | Closed. |
| GYMS/FITNESS | | 6 feet between parties up to 100% capacity. | 50% capacity up to 50 people (or up to 100 with calculator). | 25% capacity up to 50 people. | 10% capacity up to 10 people indoors per room, or outdoors in groups less than 10. Reservations required. | Virtual, or 10-person capacity outdoors per activity. |
| GROUP SPORTS AND CAMPS | | 50-person capacity per activity. Camps limited to 25 participants indoors and 50 outdoors. | 25-person capacity per activity. Camps limited to 10 participants indoors and 25 outdoors. | 10-person capacity per activity. Camps should be conducted virtually or with no more than 10 participants outdoors. | Virtual, or 10-person capacity outdoors with 6 feet distancing. | Virtual, or 10-person capacity outdoors with 6 feet distancing. Camps are closed. |
| CRITICAL AND NON-CRITICAL RETAIL | | 75% capacity. | 75% capacity. | 50% capacity with increased curbside pickup and delivery. Dedicated senior and at-risk hours encouraged. | 50% capacity with increased curbside pickup and delivery. Dedicated senior and at-risk hours encouraged. | Non-critical retail closed. Curbside pickup and delivery OK. Critical may operate at 50% capacity but should make significant efforts to reduce the number of people in-store as much as possible. |
| PERSONAL SERVICES | | 50% capacity up to 50 people. | 50% capacity up to 50 people. | 25% capacity up to 25 people. | 25% capacity up to 25 people. | Closed. |
| LIMITED HEALTH CARE SETTINGS | | 50% capacity up to 50 people. | 50% capacity or 50 people. | 25% capacity up to 25 people. | 25% capacity up to 25 people. | 10% capacity or 25 people. |
| INDOOR UNSEATED EVENTS AND ENTERTAINMENT | | 50% capacity up to 175 people. | 50% up to 50 people no calculator or up to 150 with calculator. | 25% up to 50 people with calculator. | Closed. Educational institutions, including museums, aquariums, and zoos, may operate indoors at 25% capacity up to 25 people. | Closed. |
| INDOOR SEATED EVENTS AND ENTERTAINMENT | | 6 feet distancing up to 100% capacity. | 50% capacity up to 150 people. | 25% capacity up to 50 people. | Closed. Educational institutions, including museums, aquariums, and zoos, may operate indoors at 25% capacity up to 25 people. | Closed. |
| CASINOS | | Same as indoor events. | Same as indoor events. | Same as indoor events. | Closed. | Closed. |
| OUTDOOR SEATED AND UNSEATED EVENTS AND ENTERTAINMENT | | 6 feet distancing up to 100% capacity. | 50% capacity up to 175 people. | 25% capacity up to 75 people, with calculator for unseated. | 25% capacity up to 75 people, with calculator for unseated. | Closed. |
| OUTDOOR GUIDED SERVICES | | 6 feet distancing up to 100% capacity. | 50% capacity up to 10 people. | 25% capacity up to 10 people. | 25% capacity up to 10 people. | 25% capacity up to 10 only in your own household. |