



Legislative Council Staff
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Memorandum

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SUBJECT: Summary of Governor's Executive Orders Issued During COVID-19 Emergency

Summary

This memorandum provides a summary of the various Executive Orders and Public Health Orders issued during the declared disaster emergency related to the presence of COVID-19 in Colorado.¹ The full text of the Governor's Executive Orders can be found here:

<https://www.colorado.gov/governor/2020-executive-orders>

The full text of the state's Public Health Orders issued by the Colorado Department of Public Health and Environment (CDPHE) can be found here:

<https://covid19.colorado.gov/public-health-executive-orders-resource>

Emergency Declarations

On March 10, 2020, Colorado Governor Jared Polis verbally declared a disaster emergency due to the presence of COVID-19 in the state. [Executive Order D 2020-003](#), issued on March 11, 2020, memorialized this declaration and was originally in effect for 30 days. The following bullets discuss the contents of the Executive Order.

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¹Please note that this memorandum covers those Executive Orders and Public Health Orders that have been issued through April 28, 2020, and will be updated in the future as additional Executive Orders and Public Health Orders are issued.

- The order authorizes the Colorado National Guard to support and provide planning, logistics, personnel, and facilities to state and local authorities in responding to COVID-19.
- The order directs CDPHE to issue all public health orders necessary to protect individuals who reside or are cared for in a Colorado licensed or certified skilled nursing facility, intermediate care facility, assisted living facility, or similar entity. In response to the order, CDPHE issued [Public Health Order 20-20](#), which restricts visitation by nonessential individuals, requires screening of essential individuals prior to entry into the building, and establishes procedures the facility must follow if there is a suspected, presumptive, or confirmed COVID-19 patient. [Public Health Order 20-20](#) was amended on April 20, 2020, to, among other provisions, require senior care facilities to create and submit a COVID-19 prevention and response plan to CDPHE by May 1, 2020. These plans must detail the steps the facility will take to implement COVID-19 prevention strategies, in addition to how the facility will identify and isolate residents who test positive or have symptoms compatible with COVID-19.
- The order directs the Colorado Department of Labor and Employment (CDLE) to issue emergency rules to ensure workers in specific, high-risk industries have access to up to four days of paid sick leave if they exhibit flu-like symptoms and have to miss work while they await testing results for COVID-19. Information about these rules can be found here:²

<https://www.colorado.gov/pacific/cdle/colorado-health-emergency-leave-pay-%E2%80%9Ccolorado-help%E2%80%9D-rules>

- The order directs the Colorado Department of Revenue (DOR) to temporarily allow Coloradans over the age of 65 to renew their driver's licenses online.
 - The order directs the Colorado Department of Personnel and Administration (DPA) to issue emergency rules relating to access to paid leave for state workers who are subject to mandatory or voluntary quarantine or isolation who cannot work from home. The full rules can be found here:
- <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=8633&fileName=4%20CCR%20801-1>
- The order also makes money in the Disaster Emergency Fund available for COVID-19 response activities (see section on the Disaster Emergency Fund for more information); discusses the role of the Governor's Expert Emergency Epidemic Response Committee; and activates the disaster response and recovery aspects of applicable state, local, and interjurisdictional disaster emergency plans.

[Executive Order D 2020-032](#), issued on April 8, 2020, extends the disaster emergency declaration for an additional 30 days. The order also makes additional money from the Disaster Emergency Fund available for COVID-19 response activities, directs DPA to prepare facilities that are suitable for overflow patients, and temporarily suspends several statutory requirements related to the state's procurement of goods and services that are reasonably necessary to save lives, mitigate the effects of

²These rules were later updated following the safer at home executive order.

the pandemic, prevent the further spread of COVID-19, and protect against overwhelming the state's health care system.

Business Operations and Stay at Home/Safer at Home Orders

Ski resorts. One of the first actions Governor Polis took after declaring a disaster emergency was to issue [Executive Order D 2020-004](#), which orders that downhill ski resorts suspend their operations for one week, from March 15, 2020, to March 22, 2020. The focus on ski resorts was due to the disproportionate impact of COVID-19 in the counties where many of Colorado's ski resorts are located and the medical centers in these areas having a limited ability to meet the needs of individuals with COVID-19. The closure of ski resorts was extended to April 6, 2020, in [Executive Order D 2020-006](#), and again extended in [Executive Order D 2020-026](#) until April 30, 2020.

Prohibiting in-person dining and closure of other businesses. On March 16, 2020, Governor Polis announced the issuance of [Public Health Order 20-22](#) by CDPHE, which orders the closure of all movie and performance theaters, gymnasiums, and casinos in Colorado, and prohibits the onsite consumption of food or beverages at all bars, restaurants, and other types of food and beverage establishments. The order encourages restaurants and other establishments to offer food and beverages to customers using delivery, walk-up services, and drive-throughs. The order was amended on March 19, 2020, to order the closure of racetracks, off-track pari-mutuel wagering facilities, and nonessential personal services facilities, including hair and nail salons, spas, tattoo parlors, and massage parlors. The order was originally scheduled to remain in effect for 30 days, but was later extended to remain in effect through April 30, 2020. Individuals violating the order may be subject to a fine of up to \$1,000 and face up to one year in county jail.³

Mass gathering limitations. Beginning March 19, 2020, [Public Health Order 20-23](#) places a limit on mass gatherings to no more than ten people. These gatherings include community, civic, public, leisure, faith-based events, sporting events with spectators, concerts, conventions, fundraisers, parades, fairs, festivals, and any other similar event or activity that brings together ten or more people in a single room or space at the same time in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, private club, or any other confined indoor or outdoor space. The order was originally scheduled to remain in effect for 30 days. Individuals violating the order may be subject to a fine of up to \$1,000 and face up to one year in county jail.

Alcohol and marijuana sales. On March 20, 2020, Governor Polis issued [Executive Order D 2020-011](#), which temporarily allows bars and restaurants licensed for the on-premises consumption of alcohol to sell alcohol beverages in sealed containers through delivery or takeout if the customer also purchases food. The order also temporarily allows breweries that operate a sales room to sell beer in sealed containers through delivery or takeout. The order also temporarily suspends the prohibition on online sales of retail marijuana by retail marijuana stores to allow these stores to facilitate the pick-up of retail marijuana by consumers in a manner consistent with social distancing guidelines.

³Public Health Order 20-20 and Public Health Order 20-23 were issued pursuant to CDPHE's statutory authority to close theaters, schools, and other public places, and to forbid gatherings of people when necessary to protect the public health (Section 25-1.5-101 (1)(a), C.R.S.), and to investigate and control the causes of epidemic and communicable diseases affecting the public health (Section 25-1.5-102 (1)(a)(I), C.R.S.).

The original order was scheduled to be in effect until April 18, 2020; however, this was extended to April 30, 2020, in [Executive Order D 2020-029](#). Executive Order D 2020-029 also expands the types of alcohol beverages that bars and restaurants can sell, requires the beverages to be in containers approved by the Colorado Liquor Enforcement Division, and allows wineries and distilleries operating a sales room to sell alcohol beverages through delivery or takeout in approved containers.

Workforce reduction. On March 22, 2020, Governor Polis issued [Executive Order D 2020-013](#), which orders all Colorado employers to reduce their in-person workforce by at least 50 percent beginning March 24, 2020, through April 10, 2020, while encouraging employers to implement telework, other work-from-home arrangements, staggered work schedules, or social distancing measures. The order directs CDPHE to issue a public health order identifying critical businesses exempt from the order. In response to the order, CDPHE issued [Public Health Order 20-24](#). [Executive Order D 2020-025](#), signed on April 6, 2020, rescinds the workforce reduction order due to the more stringent requirements of the stay at home order.

Stay at home and safer at home orders. On March 25, 2020, Governor Polis issued [Executive Order D 2020-017](#), which orders Coloradans to stay at home whenever possible due to the presence of COVID-19 beginning at 6:00 a.m. on Thursday, March 26, 2020. [Public Health Order 20-24](#), which identifies critical businesses, was updated to reflect the stay at home order, and has been updated several times. The order directs all Coloradans to stay at home, with limited exceptions such as obtaining food and other household necessities, going to and from work at critical businesses, seeking medical care, caring for dependents or pets, or caring for a vulnerable person in another location. The order also directs all non-critical businesses to temporarily close, except as necessary to engage in minimum basic operations needed to protect assets and maintain personnel functions.

The stay at home order was originally set to remain in effect through April 11, 2020; however, [Executive Order D 2020-024](#), signed on April 6, 2020, extended the stay at home order through April 26, 2020.

More information about the public health orders and critical business guidelines can be found here:

<https://covid19.colorado.gov/stay-home-except-essential-needs>

On April 26, 2020, following the expiration of the statewide stay at home order, Governor Polis issue [Executive Order D 2020-044](#), which continues the stay at home requirements for vulnerable individuals and permits the limited reopening of certain business operations. The executive order outlines specific requirements and directs CDPHE to issue a new public health order ([Public Health Order 20-28](#)). The executive order is scheduled to expire 30 days from April 27, 2020. Major components of the executive order and public health order are discussed in the bullets below.

- Vulnerable individuals (individuals who are 65 years and older, individuals with chronic lung disease or moderate to severe asthma, individuals who have serious heart conditions, individuals who are immunocompromised, pregnant women, and individuals determined to be high risk by a licensed health care provider) are directed to stay home except when necessary. Employers are required to make work accommodations for these individuals.

- Critical businesses and critical government functions are allowed to continue operating while following mandatory social distancing requirements and other guidelines established by CDPHE. Non-critical retailers are allowed to begin operating and offering goods through delivery, walk-up, drive-through, drive-up service, or curbside delivery. Beginning May 1, 2020, these non-critical retailers are permitted to begin allowing customers into the store while complying with social distancing requirements and other guidelines established by CDPHE. Beginning May 1, 2020, limited personal services may also resume in-person services if certain requirements are met.
- Beginning May 4, 2020, non-critical commercial businesses are permitted to begin allowing up to 50 percent of their employees to work in-person while complying with social distancing requirements and other guidelines established by CDPHE.
- Employers with over 50 employees in any one location must follow certain protocols, including symptom screening and temperature check stations, closure of common areas, and cleaning protocols.
- Individuals who are sick or who test positive for COVID-19 are directed to stay home except as necessary to care for themselves or seek medical care.
- Employers are encouraged to provide reasonable work accommodations for workers with child care responsibilities and workers who live in the same household as a vulnerable individual to the greatest extent possible by promoting telecommuting or other remote work options, flexible schedules, or other means.
- Coloradans are ordered to limit social interactions to the greatest extent possible and to limit essential travel to within their county of residence or employment and recreational travel to no further than 10 miles from their residence.
- CDLE must amend the prior emergency sick leave rules to extend paid sick leave coverage to up to two-thirds pay for 14 days if a worker has tested positive for COVID-19, has COVID-like symptoms, or has been directed to quarantine or isolate due to COVID-19 concerns. Information about these rules can be found here:

<https://www.colorado.gov/pacific/cdle/colorado-health-emergency-leave-pay-%E2%80%9Ccoloradohelp%E2%80%9D-rules>

- CDLE must promulgate emergency rules and guidance to ensure that workers, particularly vulnerable individuals, are not in danger of losing unemployment insurance eligibility for refusal to return to COVID-19-related demonstrable, unsafe working conditions.
- Counties and municipalities are allowed to adopt more protective standards than those outlined in the executive order. Any county wishing to apply for a local variance from part or all of the executive order must submit a written application to CDPHE certifying that the county has low COVID-19 case counts or can document 14 consecutive days of decline in reported COVID-19 cases. The application must include a COVID-19 suppression plan approved by the local public

health authority, all hospitals within the county, and a majority of the county commissioners. CDPHE is directed to not provide COVID-19 preparedness grant funding to any county that implements measures that are less restrictive than the state standards outlined in the executive order if the county did not first obtain approval from CDPHE.

Mask requirement. On April 17, 2020, Governor Polis issued [Executive Order D 2020-039](#), which directs CDPHE to issue a public health order requiring that workers in critical businesses and critical government functions where workers interact in close proximity with other employees or with the public to wear facemasks and gloves, if gloves are provided to the workers by their employer. Individuals whose health would be inhibited by wearing a facemask are exempt from the order. The order is scheduled to remain in effect for 30 days. In response to the order, CDPHE issued [Public Health Order 20-26](#).

Taxes

Extension of income tax payment deadlines. On March 20, 2020, Governor Polis issued [Executive Order D 2020-010](#), which suspends the normal 2019 income tax payment deadline and 2020 estimated tax deadline of April 15, 2020. The order directs DOR to establish emergency rules allowing individuals and businesses to make any 2019 income tax payments or 2020 estimated tax payments due by July 15, 2020. The order also directs DOR to coordinate with local governments that choose to extend tax payment deadlines for property and sales and use taxes.

The order was originally set to remain in effect through April 20, 2020; however, [Executive Order D 2020-040](#), signed on April 18, 2020, amended the original order to align with Internal Revenue Service guidance and extended it until May 18, 2020.

Suspension of certain taxable property deadlines. On April 2, Governor Polis issued [Executive Order D 2020-022](#), which suspends calendar year 2020 taxpayer filing deadlines requirements for certain taxable property and directs the Department of Local Affairs (DOLA) to issue emergency rules to extend filing deadlines. The order covers deadlines related to tax filings for business personal property, taxable natural resource property, and taxable oil and gas property. It also suspends 2020 calendar year deadlines related to the property valuation schedule for covered taxable property to accommodate the filing deadline extension. The order expires on May 2, 2020.

Extension for filling and remitting sales tax. On April 5, 2020, Governor Polis issued [Executive Order D 2020-023](#), which extends the April 20, 2020, filing and remittance deadline for state and state-administered local sales taxes to May 20, 2020. It also directs DOR to waive penalties and interest that would accrue during the month. Notably, however, a retailer that does not file a return and remit payment by April 20, 2020, is not permitted to retain moneys typically allowed under state law to cover the retailer's expense in collecting and remitting tax, or any similar vendor fees typically allowed to be retained for state-administered sales tax. The order expires 30 days after issuance.

Extension for filling and remitting severance tax. Governor Polis issued [Executive Order D 2020-033](#) on April 9, 2020, in order to suspend and extend the filing and remittance deadline for severance tax returns and declarations, and payments of estimated tax from April 15, 2020, to May 15, 2020. The

order also suspends and extends by one month the deadline for molybdenum ore severance tax reporting. The order directs DOR to issue emergency rules to implement the order, and expires 30 days after issuance.

Elections

On March 16, 2020, Governor Polis issued [Executive Order D 2020-005](#) directing the state political parties and Secretary of State to amend rules regarding in-person gatherings to allow the 2020 primary election to proceed without interruption. Specifically, Executive Order D 2020-005:

- incorporates by reference the measures taken by the General Assembly in [House Bill 20-1359](#), allowing Colorado's major political parties to amend certain rules and procedures governing the conduct of their assemblies and conventions;
- directs the Secretary of State to set deadlines by which the state parties must file a certified copy of any amended rules and bylaws;
- directs the major parties to make changes to their rules to comply with restrictions that may arise due to the declared disaster emergency, including but not limited to, changes to proxy or quorum requirements and allowing the changes to party rules to be done outside the existing political party rules process;
- suspends all requirements for public meetings or in-person transactions under Title 1 of the Colorado Revised Statutes, which concerns the conduct of elections, and the related rules in 8 CCR 1505-1 and 1505-3;
- directs the Secretary of State to issue emergency rules allowing all eligible voters to participate in the June 30, 2020, election in a manner that complies with any emergency order issued under Executive Order D 2020-003, any related subsequent order, or any guidance issued by CDPHE; and
- suspends notarization and handwritten signature requirements for nominations and selection of primary candidates and for the filling of vacancies in the General Assembly or on boards of county commissioners, and allows the Secretary of State to issue emergency rules to accept these filings electronically.

Executive Order D 2020-005 explicitly does not waive the requirement in Section 1-5-203 (1) (a), C.R.S., requiring names for placement on a ballot to be submitted to the Secretary of State no later than 60 days prior to an election.

On March 18, 2020, Governor Polis issued [Executive Order D 2020-008](#) amending Executive Order D 2020-005 to limit in-person contact concerning elections and the Secretary of State's operations. Specifically, the Executive Order D 2020-008:

- allows the suspension of in-person filings requirements for filings related to campaign finance, corporations, and other filings made to the Secretary of State, and allows the Secretary of State to issue emergency rules to accept these filings electronically or by other means;
- allows the Secretary of State to suspend the issuance of certificates or apostilles to the Secretary of State that attest to the authenticity of a notarial act performed by a commissioned notary public and allows the Secretary of State to issue emergency rules to accept these filings electronically or by other means as determined by the Secretary of State;
- suspends requirements related to Title Board meetings and directs the Secretary of State to issue guidance outlining how Title Board hearings will be conducted during the declared disaster emergency, and directs the Secretary of State to issue emergency rules concerning the process and timing for the Secretary of State's delivery of initiative titles;
- suspends requirements concerning the physical delivery and return of ballots to group residential facilities and directs county clerks and designated election officials to register voters and deliver ballots to group residential facilities by mail, electronically, or by other means that do not require physical entry to the facility, and directs the Secretary of State to issue emergency rules, as needed, to accomplish this directive; and
- suspends requirements that county canvass boards meet in person, directs county clerks and designated election officials to convene canvass board meetings through available remote technologies, and directs the Secretary of State to issue emergency rules to accomplish this directive.

Originally, Executive Order D 2020-005 and Executive Order D 2020-008 were scheduled to remain in effect for 30 days. However, on April 14, 2020, Governor Polis issued [Executive Order D 2020-036](#) extending Executive Order D 2020-005, as amended by Executive Order D 2020-008, for an additional 30 days.

Education and Child Care

Suspension of normal in-person instruction at all public and private elementary and secondary schools. On March 18, 2020, Governor Polis issued [Executive Order D 2020-007](#), which suspends in-person instruction for all public, and private elementary and secondary schools, the Charter School Institute (CSI), and preschools on public campuses. Approved facility schools (residential schools) and staff who have been deemed as essential by the appropriate school official are excluded from the order.

The order deems school closures as necessary because children are often carriers of COVID-19, increasing the risk of disease to school staff that are older or may have certain underlying conditions. The order outlines the strategies that will be employed to ensure that many facets of the education system are supported. The Commissioner of the Colorado Department of Education (CDE) and CSI are directed to support school systems and students during the closures by offering guidance as schools develop plans for alternative learning, which includes online learning. CDE must also offer

flexibility and waivers for changes to a normal academic instructional time and ensure that low-cost or free school meals are provided to students as required by the National School Lunch Act. To allow school districts to focus on developing alternative learning opportunities, the order suspends state assessment requirements for subject areas including English, mathematics, social studies, and science for the 2019-2020 school year. The order also removes the requirement for CDE to determine the level of attainment for each school, district and CSI for fall 2020. As a result, the State Board of Education is permitted to assign school districts and CSI the same attainment category from the 2019-2020 school year.

In regard to school facilities and daycare centers, the order does the following: encourages preschool through grade 12 (P-12) school districts and CSI to identify school buildings that can be used for alternative learning, emergency sheltering, food distribution, and child care; requires the Colorado Department of Human Services (CDHS) to work with CDE and CSI to identify licensed child care facilities to provide child care assistance for essential workers such as medical personnel; allows CDHS to waive certain child care regulations in order to increase the supply of child care for essential workers as long as it does not pose a public health risk. The order also directs local public health agencies to work with P-12 child care providers and preschools not operated by P-12 schools to determine whether it is safe to continue operations. If a student, parent, or staff member affiliated with the child care facility tests positive for COVID-19, the facility must close for no less than 72 hours. CDHS is permitted to reimburse counties that pay providers through the Colorado Child Care Assistance Program (CCCAP) using additional federal Child Care Development Funds for eight weeks from when the order was signed. Counties are encouraged to continue to fund CCCAP for centers experiencing closures or low attendance.

On April 1, 2020, Governor Polis signed [Executive Order D 2020-021](#), which extended the original executive order until April 30, 2020. In addition to extending school closures, the order suspends employment performance evaluations for school districts, charter schools, and the Board of Cooperative Educational Services licensed personnel such as teachers and school administrators. Additionally, the order directs all school districts, schools, and CSI to cancel school co-curricular and extracurricular activities, including athletics. The order also temporarily suspends the requirement for approved facility schools or a state program to report the number of full-time equivalent students served to CDE.

In regard to local education funding, the order temporarily suspends the statutory provision that prohibits districts from carrying over up to 15 percent of unspent per pupil intervention funding from one budget year to the next. This direction will allow districts to carry over unspent intervention funds from the 2019-2020 budget year to the 2020-2021 budget year without penalty. The order is scheduled to remain in effect for 30 days.

Information about education finance changes can be found here:

<http://www.cde.state.co.us/cdefinance/schoolfinancecovid19qa>

Promote the provision of emergency child care for essential workers and to temporarily suspend certain statutes to enable schools to focus on student services. On April 14, 2020, Governor Polis issued [Executive Order D 2020-035](#), which makes amendments and extends the order for an additional

30 days. To protect children, parents, and child care providers, the order amends guidelines for child care providers and preschools. The order requires child care facilities to work with local public health agencies if there is a positive or suspected case of COVID-19 in a student, care provider, or person affiliated with the facility. The facility must work with the local public health agency to determine if the location should close per the guidelines published by CDPHE. All closures must remain in effect for 24 hours or more.

To support the state's essential workforce with child care services, CDHS created the Colorado Emergency Child Care Collaborative (Collaborative). To support the Collaborative, the order allows CDHS to access additional federal Child Care Development Block Grant funds for eight weeks starting on March 23, 2020. The order also temporarily waives child care licensing fees for child care providers who are offering emergency child care through the Collaborative in response to the COVID-19 pandemic.

The order temporarily suspends a variety of statutory provisions to allow schools to focus on providing student services and academic instruction by allowing the State Board of Education to temporarily waive requirements in statute or rule. The order also temporarily suspends the Colorado Reading to Ensure Academic Development Act (Colorado READ Act) assessment and data reporting requirements that are normally submitted to CDE each spring. The order encourages schools to use the guidelines listed in the READ Act plans to support students identified as having a reading deficiency as a strategy for developing their alternative learning plans. All sight and hearing tests have also been temporarily suspended due to school closures. The order encourages schools, school districts, and the CSI to generate a plan for conducting in-person student screenings once permitted by public health orders. The order expires 30 days from April 14, 2020.

At-home learning resources, updated test schedules, and FAQs for schools, teachers, and parents during school closures can be found in the following locations:

<https://leg.colorado.gov/publications/resources-pertaining-k-12-education-response-covid-19>

<https://leg.colorado.gov/publications/high-school-and-college-placement-and-entrance-examination-delays>

Suspend Normal In-Person Instruction at All Public and Private Elementary and Secondary Schools in the State of Colorado Until the End of the School Year. On April 22, 2020, Governor Polis issued [Executive Order D 2020-041](#), extending school closures until the end of the scheduled 2019-2020 regular school year for all students and employees of P-12 schools. Emergency personnel deemed necessary by the appropriate school official are excluded from the order. The order encourages the Commissioner of CDE to issue guidance to schools that are considering summer school and other school-sanctioned activities outside of the normal school year. The order also emphasizes that schools and school districts are still allowed to use school buildings to provide services to students, educators and families for activities such as group instruction, professional development, food service, or mental health assistance. Schools and school districts must work with their local public health agency to ensure that they are following the appropriate public health orders when providing these services.

Safer at home order. As part of the safer at home order issued by Governor Polis on April 26, 2020 ([Executive Order D 2020-044](#)), the Colorado Department of Higher Education is directed to work with

CDPHE to identify those programs and courses at postsecondary institutions that cannot be taught remotely and require limited in-person instruction. It also allows P-12 schools and school districts to use school buildings to provide services to students, educators, and families, including in-person small group instruction; staff professional development; food service; access to internet, devices, or instructional materials; special education services; or mental health supports. These schools must work with their local public health agency and observe social distancing requirements.

Health Care

Cessation and reinstatement of elective and non-essential surgeries. On March 19, 2020, Governor Polis issued [Executive Order D 2020-009](#), which directs medical facilities to cease all elective and non-essential surgeries from March 23, 2020, until April 14, 2020. The cessation of elective procedures is to preserve personal protective equipment (PPE) for health care personnel, and hospital supplies such as ventilators, respirators, and anesthesia machines for patients who become critically ill from COVID-19. An elective procedure is one that can be delayed for a minimum of three months without undue risk to the current or future health of the patient, as determined by the medical provider. There are a number of conditions in the order under which surgeries may proceed, for example if there is a risk to the patient's life or a risk of dysfunction to an extremity or organ system if the surgery is not performed. The hospital or surgery center shall establish guidelines to designate procedures as elective or non-essential under the guidelines. [Executive Order D 2020-027](#) extends Executive Order D 2020-009 and the cessation on elective and non-essential surgeries until April 26, 2020. Rural and critical access hospital are strongly advised to follow these guidance in these orders, but are not mandated to do so.

On April 26, 2020, Governor Polis issued [Executive Order D 2020-045](#), which permits voluntary or elective surgeries to begin again under certain conditions. Medical, dental, and veterinary facilities that wish to begin elective procedures must follow certain requirements including the following: having a plan to stop elective procedures if there is a surge in COVID-19 infections in the county or municipality where the facility is located; ceasing elective procedures if providing them results in the facility having to resort to hospital crisis standards of care; and maximizing telehealth and virtual office visits as much as possible. The Executive Order also directs CDPHE to issue a Public Health Order consistent with the directives in the Executive Order which addresses protocols and criteria for facilities, as well as outlines recommended best practices. The order expires 30 days from April 27, 2020. In response to this Executive Order, CDPHE issued [Public Health Order 20-29](#) with the priorities, requirements, and criteria facilities must follow if they are restarting voluntary or elective procedures. This public health order is in effect until May 26, 2020.

Suspension of certain statutes to expand telehealth. On April 1, 2020, Governor Polis issued [Executive Order D 2020-020](#), which temporarily suspends certain statutes to expand the use of telehealth services. Telehealth enables long-distance health care and health services to occur with the use of technology, including telephones, internet, audio-only and video connections between providers and patients. The order suspends statutes addressing the definition of telehealth and exclusions from the definition of telehealth. The order also suspends statutes with the following: the requirement that services and carrier reimbursements provided through telehealth be subject to the terms of the health benefit plan; the provision that health benefit plans are not required to pay for a

consultation provided by a provider unless the technology used is Health Insurance Portability and Accountability Act (HIPAA) compliant; the requirement that psychologists, marriage and family therapists, clinical social workers, professional counselors, or addiction counselors residing or licensed in another state not practice more than 20 days per year in Colorado; and requirements establishing what constitutes a veterinarian-client patient relationship. The order directs the Colorado Department of Regulatory Agencies' (DORA) to promulgate rules requiring health insurance carriers to permit providers to deliver services via telehealth, and expand the definition of telehealth during the COVID-19 outbreak. The order expires 30 days from April 1, 2020.

Suspension of certain statutes to expand the health care workforce. On April 15, 2020, Governor Polis issued [Executive Order D 2020-038](#). This order temporarily suspends certain statutes and rules and directs DORA to promulgate temporary emergency rules which will expand the workforce of trained medical personnel available to assist with COVID-19. The order does the following: directs DORA to permit certain licensed professionals to cross-train, supervise, and delegate responsibilities concerning the treatment of patients to other professionals, for which statutes concerning the regulatory scope of practice are suspended; suspends tasks which can be delegated to anesthesiologist assistants and instructs DORA to allow anesthesiologist assistants to perform airway management for COVID-19 patients; instructs DORA to permit certain licensed professionals to cross-train, supervise, and delegate responsibility to medical assistants and volunteer nursing students enrolled in the last semester of their program to treat patients. The order also suspends statutes and rules related to the following: certain requirements for the completion of nursing students' studies; requirements for national certification or designated population focus for advanced practice nurses involved in patient care; prohibitions on the length of employment for nurse aide students; the rulemaking authority of various boards; and pharmacy board rules which could limit hospital pharmacies' ability to meet the needs of the expanding patient population. The order directs DORA to promulgate and issue temporary emergency rules for the following: the suspension of specific boards, the temporary certification of nurse aides, and rules allowing physicians and physicians assistants to care for COVID-19 patients if appropriate regardless of specialty or scope of practice. The order expires 30 days from April 15, 2020. Additional information about the actions taken by DORA in response to the order can be found here:

<https://content.govdelivery.com/accounts/CODORA/bulletins/286e1c8>

Hospital data reporting. On April 21, 2020, CDPHE issued [Public Health Order 20-27](#) concerning the reporting of data from hospitals about confirmed and suspected cases of COVID-19. The order directs all hospitals to report the numbers of both suspected (pending laboratory test) and confirmed (positive laboratory test) COVID-19 cases, their race and ethnicity, and their status, including whether they are hospitalized, using a ventilator, in the emergency room waiting for a bed, discharged and in recovery, or deceased. Hospitals shall report on their medical equipment and supply information, including the total bed and intensive care unit capacity and occupancy, ventilator availability and usage, and availability of N95 masks. Hospitals shall also report lab testing information, including the number of tests ordered and performed, as well as the number of positive and negative test results. Hospitals are required to report this information daily. The order is in effect until May 31, 2020.

Criminal Justice

Correctional facilities. Governor Polis issued [Executive Order D 2020-016](#) on March 25, 2020, in response to concerns about COVID-19 in state prisons and community corrections facilities.

The order outlines ways in which to reduce and more easily manage the inmate population. The Colorado Department of Corrections (DOC) is temporarily relieved of receiving new intakes from county jails. The order also provides mechanisms to facilitate the release of inmates, including increasing inmate earned time credits and opening up special needs parole to a wider array of inmates. Intensive Supervision Program-Inmate eligibility requirements are also lifted under the order, and the DOC has been authorized to release inmates who are within 180 days of their parole eligibility date. The order further allows the Centennial Correctional Facility-South prison, which has been previously vacant, to house mixed custody levels of inmates for quarantine, intake, and other operational purposes related to the public health emergency.

In regard to community corrections facilities, the \$17 daily subsistence fee required from community corrections clients is suspended by the order. To make up for the loss in fees, the Department of Public Safety is granted budgetary flexibility to purchase hygiene products and other necessities related to food, rent, and staffing in the facilities.

Extension order. On April 23, 2020, Governor Polis issued [Executive Order D 2020-043](#), which extends Executive Order D 2020 016, explained above, for 30 days. This order also temporarily suspends additional criminal justice-related statutes regarding intensive supervision and community corrections. Specifically, it allows the DOC to develop placement criteria for intensive supervision programs that allows for the participation of nonparoled offenders. Community corrections administrators on the local level are also granted the discretion to make time credit deduction awards to offenders in an effort to safely reduce the state's incarcerated population.

Juvenile justice. On April 11, 2020, Governor Polis issued [Executive Order D 2020-034](#), which suspends certain regulatory statutes concerning juvenile justice, regional centers, and behavioral health facilities. The order authorizes CDHS to assess whether a juvenile may be released to parole and temporarily suspends the Juvenile Parole Board's authority, except in aggravated or violent juvenile offender cases. The CDHS is also instructed by the order to develop new admission criteria for detention facilities, and seclusion policies are suspended in cases where medical isolation and quarantine is necessary to prevent the spread of COVID-19. Mental health facilities are authorized to temporarily suspend certain patient rights, including those relating to in-person visitors and clothing. The order also encourages facilities to provide virtual communication methods between juveniles and visitors, attorneys, clergy, and physicians. The order is to remain in effect for 30 days.

Emergency Disaster Funds

Section 24-33.5-706, C.R.S., establishes the Disaster Emergency Fund to ensure that funds to meet disaster emergencies are always available. The Governor may make money from the Disaster Emergency Fund available if the Governor finds that the demands placed upon the money regularly

appropriated to state and local agencies in coping with a particular disaster are unreasonably great. The law also allows the Governor to transfer and expend money appropriated for other purposes if money available in the Disaster Emergency Fund is insufficient.

COVID-19 response efforts. On March 11, 2020, in the Executive Order originally declaring a disaster emergency ([Executive Order D 2020-003](#)), Governor Polis ordered that \$4.0 million from the Disaster Emergency Fund be spent on response activities related to COVID-19.

On March 26, 2020, Governor Polis issued [Executive Order D 2020-018](#), which increases the amount from the Disaster Emergency Fund that can be spent on response activities related to COVID-19 to \$18.0 million.

On April 8, 2020, in the Executive Order extending the declared disaster emergency ([Executive Order D 2020-032](#)), Governor Polis orders that \$23.0 million be transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund due to the current balance in the Disaster Emergency Fund being insufficient. The order also increases the amount from the Disaster Emergency Fund that can be spent on response activities related to COVID-19 to \$68.0 million.

Rental and mortgage assistance. On March 20, 2020, [Executive Order D 2020-012](#) makes \$3.0 million from the Disaster Emergency Fund available to DOLA in order to provide short-term rental and mortgage assistance to low-income households facing financial hardship due to economic disruption associated with COVID-19. The Executive Order specifies that those who had continuous prior work history and lost employment related to current or future public health orders should receive priority.

Unemployment benefit services. [Executive Order D 2020-012](#) also makes \$1.0 million available to CDLE to improve and expedite services available to individuals applying for unemployment insurance benefits.

Other

Miscellaneous statutory provisions. In addition to the provisions related to alcohol and marijuana sales discussed on page 3, [Executive Order D 2020-011](#), which was signed on March 20, 2020, also temporarily suspends:

- the statutory requirement for an appropriate personal physical examination for the issuance of medical marijuana cards; and
- the statutory prohibition on vehicles weighing more than 80,000 pounds from traveling on any highway or bridge that is part of the interstate system, to temporarily allow for vehicles weighing 80,001 pounds to 84,999 pounds, to ensure the delivery of emergency goods and services to their destination in a safe and efficient manner.

Executive Order D 2020-011 was scheduled to expire on April 18, 2020, but was extended until April 30, 2020, by [Executive Order D 2020-029](#), which was signed by Governor Polis on April 6, 2020.

In addition to extending the temporary suspension of the above statutory provisions, Executive Order D 2020-029 also temporarily suspends additional statutory provisions to allow:

- individuals under the age of 21 and over the age of 65 to renew their driver's license electronically;
- for the electronic renewal of identification cards;
- lottery prize winners who fail to claim a prize during the 180-day period additional time to claim the prize;
- each decision and initial decision made by an agency in an adjudication to be provided by electronic mail instead of by personal service or first-class mail;
- applicants to receive a concealed handgun permit without appearing in person under certain circumstances;
- the Colorado Bureau of Investigation (CBI) additional time to complete duties related to fingerprint-based background checks;
- the CBI additional time to render a final administrative decision regarding the denial of a firearm transfer after receiving information from the transferee that alleges the transfer was improperly denied;
- individuals required to register as a sex offender to register without sitting for a current photograph or supplying a set of fingerprints to law enforcement and provide local law enforcement agencies with discretion to determine the manner of registration in light of social distancing requirements;
- motor carriers providing larger-market taxicab services to have fewer than the required number of vehicles in their fleet; and
- licensed veterinarians to donate or sell to the State of Colorado or any licensed healthcare facility in Colorado any currently unneeded prescription drugs that the licensed veterinarian has on hand in his or her practice.

Providing individual and small business relief. On March 20, 2020, Governor Polis signed [Executive Order D 2020-012](#), related to limiting evictions, foreclosures, and public utility disconnections, and improving and expediting unemployment insurance claim processing. The original order was scheduled to remain in effect for 30 days; however, on April 6, 2020, Governor Polis issued [Executive Order D 2020-031](#), which made several technical amendments to the original order and extended the effective date of the order until April 30, 2020.

Evictions and foreclosures. The order directs the Executive Directors of the DOLA, CDLE, DORA, and the Colorado Department of Public Safety to take several actions in an attempt to limit evictions and foreclosures in the state, including:

- to work with property owners and landlords to identify any lawful measure to avoid removing or executing eviction procedures against tenants or mobile home owners without cause or as a result of late or nonpayment of rent or minor tenancy violations and to provide exemptions from fees or penalties for the late payment or nonpayment of rent until April 30, 2020;
- to work with all sheriffs, mayors, and other local leaders to take similar formal actions with their law enforcement agencies to suspend residential eviction activity in the state until April 30, 2020, unless such actions are necessary to protect public health and safety;

- to provide short-term rental and mortgage assistance to low-income households facing financial hardship due to economic disruption associated with COVID-19;
- to work with financial institutions to identify practices and policies to combat the threat of residential and commercial foreclosures and displacement to individuals and small businesses, in addition to encouraging financial institutions to halt foreclosures and related evictions due to a substantial decrease in household and business income due to the impacts of COVID-19; and
- to encourage financial institutions to provide a 90-day deferment of payment for all consumer loans, including residential and commercial mortgages, refinances, auto loans, student loans, and small business loans for customers and businesses that have been economically impacted by COVID-19.

The order also directs and authorizes county clerks and recorders and public trustees to take specific actions related to refinancing and foreclosure processes and authorizes county treasurers to suspend or waive delinquent interest that may accrue as a result of delinquent tax payments.

Public utility disconnections. The order directs the Public Utilities Commission (PUC) to work with all public utilities in the state to suspend service disconnections for delayed or missed payments, waive reconnection fees, and suspend accrual of late payment fees for residential and small business consumers related to the impacts of COVID-19. The PUC and public utilities are also directed to develop and provide payment assistance programs to aid customers in the payment of their utility bills. The order also directs the Colorado Energy Office to provide recommendations to the Governor based on working with providers, trade associations, and consumers of propane heating to evaluate impacts related to COVID-19.

Unemployment insurance claim processing. The final component of the order directs additional funds to be made available to CDLE to improve and expedite services available to individuals applying for unemployment insurance (UI) benefits so workers begin receiving UI payments within ten days of filing their completed application. The order also temporarily suspends several statutory provisions, including:

- that there be a one-week waiting period before receiving UI benefits;
- the UI benefit recipients actively seek work;
- that UI benefits be charged to employer experience rating accounts; and
- required notification of interested parties before UI benefit payment decisions are made.

Extension of expiration dates. On March 25, 2020, Governor Polis issued [Executive Order D 2020-015](#), which authorized the Executive Directors of certain state agencies to promulgate emergency rules extending the expiration date of over 100 different licenses, permits, registrations, designations, certifications, passes, authorizations, and endorsements, unless the renewal process may be completed online. The order originally applied to those documents that expire within 30 days of March 25; however, [Executive Order D 2020-042](#), which was signed by Governor Polis on April 23, 2020, extended this for 30 additional days.

Marriage licenses. On March 26, 2020, Governor Polis issued [Executive Order D 2020-014](#), which temporarily suspends several statutes that prevented the issuance of marriage licenses when county clerk and recorder officers are closed due to COVID-19. The order allows and encourages county clerks and recorders to accept completed marriage license applications, fees, proof of the marriage license applicants' legal age, and proof that the marriage is not prohibited by mail, fax, or online, instead of in person. The order also temporarily suspends the requirement that marriage licenses may only be issued during prescribed office hours and are only valid for 35 days after issuance. The order was originally set to expire 30 days from March 26, but was extended to expire on April 30, 2020, by [Executive Order D 2020-028](#), which was signed on April 6, 2020.

Notary services. On March 27, 2020, Governor Polis issued [Executive Order D 2020-019](#) temporarily suspending the personal appearance requirements for notarization, except for any notarial act required by Title 1 of the Colorado Revised Statutes. Executive Order D 2020-019 authorizes the Secretary of State to issue temporary emergency rules authorizing notarial officers to perform notarizations by having a person appear before a notarial officer remotely through real-time audio-video communication. The Secretary of State is authorized to establish the standards and processes necessary to allow remote notarizations, including rules regarding authentication, verification of identity, and audio-video recording. The emergency rules outlining the procedures and requirements for remote notarization can be found through the following link: <https://bit.ly/2z91a7x>. Executive Order D 2020-019 does not affect existing private contracts that may require in-person document notarization, but it also does not preclude the parties to the contracts from waiving or modifying provision related to in-person notarization. Executive Order D 2020-019 was scheduled to remain in effect for 30 days; however, [Executive Order D 2020-030](#), which was issued on April 6, 2020, extends Executive Order D 2020-019 until April 30, 2020.

Open fire bans. On April 15, 2020, Governor Polis issued [Executive Order D 2020-037](#), which temporarily suspends the statutory provision that only allows boards of county commissioners to ban open fires to a degree and in a manner deemed necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high based on competent evidence. The order gives boards of county commissioners broader discretion and more flexibility to implement restrictions on open burning to decrease the risk of wildfires. The order is scheduled to expire 30 days from April 15.