

EIGHTH PUBLIC HEALTH ORDER

RE: VARIANCE FROM SAFER AT HOME

May 23, 2020

This Public Health Order is issued pursuant to Colo. Rev. Stat. §25-1-506, 508, 509, 516 and other applicable authority.

On March 10, 2020, the Governor of Colorado declared a State of Emergency related to the presence of COVID-19 in the State. The Colorado Department of Public Health and Environment has confirmed that COVID-19 continues to spread throughout the State of Colorado.

On March 13, 2020, Larimer County declared a Local Disaster Emergency related to COVID-19.

On March 13, 2020, the President of the United States declared a National Emergency due to COVID-19.

On March 22, 2020, the Governor of the State of Colorado issued Executive Order D2020-013 ordering non-critical workplaces to reduce their in-person workforce by 50% and to implement telework capabilities to the greatest extent possible due to the presence of COVID-19 in the state (“March 22 Reduced Workforce EO”).

On March 22, 2020, the Executive Director of the Colorado Department of Public Health and Environment, pursuant to Colorado Revised Statute §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), also issued an order defining critical businesses and critical government functions that are exempt from the directives of EO D2020-013 (“March 22 CDPHE Reduced Workforce Order”).

By March 25, 2020 various jurisdictions around Colorado issued stay-at-home orders including: the City and County of Denver, and Adams, Arapahoe, Boulder, Douglas, and Jefferson Counties.

On March 25, 2020 the Larimer County Public Health Director issued a Stay-at-Home order until April 17, 2020.



Also on March 25, 2020, Governor Polis and the Executive Director of the Colorado Department of Public Health and Environment issued a statewide Stay-at-Home Order until April 11, 2020.

On April 6, 2020 Governor Polis and the Executive Director of the Colorado Department of Public Health and Environment extended the statewide Stay-at-Home Order until April 26 2020.

On April 8, 2020 the Larimer County Public Health Director extended the Stay-at-Home order until April 26, 2020.

On April 26, 2020 the statewide and countywide Stay-at-Home orders were replaced with the statewide Safer-at-Home orders. The Safer-at-Home order included provisions for local jurisdictions to seek waivers from the Safer-at-Home order.

On May 17, 2020 Larimer County submitted a variance request to the state, with the support of the Larimer County Board of Health, the County Commissioners, and with the support of the local hospitals. The Variance request was based on the COVID-19 Larimer County Suppression Plan and Early Warning Indicators.

On May 23, 2020 CDPHE granted the waiver request pursuant to the terms outlined in this order.

I. BASIS FOR ORDER

The virus that causes Coronavirus 2019 (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. This Order is necessary because of the risk of the rapid spread of the virus, and the need to protect all members of Larimer County, especially including our members most susceptible to the virus and also health care providers.

This Order is issued based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout Larimer County and the State of Colorado.

Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed.

The variance request submitted to CDPHE took into account the following factors and goal to suppress the spread of repository droplets both airborne and in the environment:

- Provides provisions for how Larimer County intends to meet the intent of the Safer at Home Order by using innovation and flexibility and by working with our business community as a partner in this effort.
- That all early warning indicators will be monitored daily by LCDHE and serve as an early warning system that will trigger further emergency protective actions. A trigger of an early warning indicator will initiate an assessment of the situation using aggressive and immediate case investigations and contact tracing to determine what emergency protective actions need to be taken in the community.

This Order is adopted pursuant to the legal authority set forth in sections 25-1-506, Colorado Revised Statutes and other applicable law. Under this law, the Larimer County Public Health Director has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health, and to close public places and to prohibit gatherings of people when necessary to protect public health.

The intent of this Order is to provide for the gradual reopening of businesses while taking into account the risks associated with the spread of COVID-19. Larimer County sought and obtained a variance from the statewide Safer-at-Home order due to the low prevalence of COVID-19 in the County and the successful implementation by the citizens of Larimer County of protective measures.

I. ORDER:

This order shall become effective on May 23, 2020 and continue until modified.

The following are the terms of the variance are attached as Exhibit A:

II. FURTHER GUIDANCE

Further guidelines for social distance are available at www.larimer.org/health

III. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER



LCDHE is tasked with protecting the health and welfare of the citizens of Larimer County, Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

Any person aggrieved and affected by this Order has the right to request judicial review; an action with the Larimer County District Court within 90 days of the date of this Order, pursuant to section 25-1-515, Colorado Revised Statutes. However, you must continue to obey the terms of this Order while your request for review is pending.

This Order remains in effect until modified unless otherwise extended or amended in writing.

LCDHE is tasked with protecting the health and welfare of the citizens of Larimer County, Colorado by investigating and controlling the causes of epidemic and communicable disease. This Order is necessary to control any potential transmission of disease to others. See sections 25-1-506. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare.

FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO THE PENALTIES CONTAINED IN SECTIONS 25-1-516 AND 18-1.3-501, COLORADO REVISED STATUTES, OR OTHER REMEDIES AVAILABLE BY LAW.

A handwritten signature in black ink that reads "Thomas R. Gonzales".

Tom Gonzales, MPH
Larimer County Health Director