

February 4, 2021

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19.

On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. § 24-33.5-701, *et seq.*, due to the risk of spread of COVID-19.

Since that time, the Executive Director of the Denver Department of Public Health & Environment (“DDPHE”), pursuant to section 24-16 of the Denver Revised Municipal Code, has issued numerous public health orders to mitigate the spread of COVID-19 within the City and County of Denver. These public health orders have restricted access to certain facilities; restricted mass gatherings of people; closed restaurants and bars to in-person services; and implemented stay at home requirements and critical business operations. In conjunction with steps taken by the Governor and the Colorado Department of Public Health and Environment, these measures all act in concert to minimize the spread of COVID-19 by reducing the exposure of individuals to the virus.

On September 15, 2020, the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-35 (“CDPHE PHO 20-35”). On September 18, 2020, DDPHE adopted CDPHE PHO 20-35 and all CDPHE amendments thereto.

On November 2, 2020, CDPHE issued Public Health Order 20-36 (“CDPHE PHO 20-36”), which supersedes and replaces CDPHE Public Health Orders 20-32 and 20-35. On November 3, 2020, DDPHE adopted CDPHE PHO 20-36 and rescinded and superseded its order dated September 18, 2020.

On November 6, 2020, DDPHE issued a public health order (“Home by 10 Order”), that created additional measures to help reduce the spread of COVID-19.

On November 17, 2020, CDPHE amended CDPHE PHO 20-36 (“First Amended PHO 20-36”). The First Amended PHO 20-36, created, among other things, a new Level Red: Severe Risk and a new Level Purple: Extreme Risk. On November 17, 2020, CDPHE informed the City and County of Denver that it will be moved to Level Red: Severe Risk, effective Friday, November 20, 2020 at 5 p.m. The CDPHE PHO 20-36 as been amended twice since November and is anticipated to undergo additional revisions as necessary (“CDPHE PHO 20-36, as amended”).

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On December 1, 2020, since CDPHE moved the City and County of Denver into Level Red: Severe Risk on the COVID-19 dial, DDPHE rescinded the Home by 10 Order, but imposed some additional protective measures.

On January 4, 2021, in response to a downward trend in state cases, CDPHE moved the City and County of Denver back into Level Orange: High Risk on the COVID-19 Dial even though some of Denver's COVID-19 metrics remained in the Level Red range.

As of February 3, 2021, Denver's COVID-19 metrics have remained within Level Orange: High Risk levels for at least seven days, and continue to trend down or to remain stable.

Therefore, in addition to the requirements under PHO 20-36, the Executive Director of DDPHE hereby issues this amended order to allow spectators at non-professional sporting events and to allow recreational sports in Denver in compliance with restrictions and guidelines promulgated by the CDPHE. The following activities are further regulated in the City and County of Denver until further notice:

1. Bars and restaurants may only allow on-premises consumption of alcohol via seated table service and must provide food from a licensed retail food establishment, following the Restaurant requirements in CDPHE PHO 20-36, as amended. All other Bars are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages through delivery service, window service, walk-up service, drive-through service, drive-up service, or curbside delivery pursuant to CDPHE PHO 20-36, as amended.
 - a. "Bar" means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages licensed pursuant to Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes and, if serving food, only snacks and not kitchen-prepared meals.
 - b. In order to qualify for this exemption, bars using on-site food service must use an on-premises licensed retail food kitchen that provides a full food menu and not just snacks or microwaved snack items.
 - c. Bars and restaurants must make meals available at all times that alcohol beverages are served for on-premises consumption.
 - d. Bars and restaurants must keep parties together, ensure that parties do not mix or mingle with each other, and ensure that parties remain seated except when necessary.

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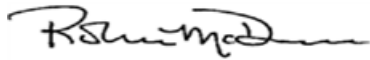
- e. In addition to the requirement for restaurants and bars to cease alcoholic beverage sales to end consumers for on-premises consumption and for take-out at 10:00 p.m., restaurants and bars shall also cease on-premises consumption of alcohol by 12:00 a.m. All other liquor sales restrictions are subject to CDPHE PHO 20-36.

If at any time CDPHE determines that the City and County of Denver is moved to a more restrictive level, more restrictive measures shall govern.

Pursuant to section 24-24 of the Denver Revised Municipal Code, it is unlawful for any person to fail to comply with this Order. Any person who fails to comply with this Order may also be subject to a civil penalty of up to nine hundred ninety-nine dollars (\$999.00) per violation. Enforcement actions are intended to be cumulative in nature and Denver may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies and may do so simultaneously or in succession.

This order immediately replaces the amended DDPHE order issued on December 1, 2020 as amended on January 12, 2021, and shall remain in effect until rescinded, superseded, or amended in writing by the Executive Director of the Department of Public Health & Environment.

Issued by:



Robert M. McDonald
Public Health Administrator, City & County of Denver
Executive Director, Denver Dept of Public Health & Environment