

**PUEBLO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

**PUBLIC HEALTH ORDER  
REQUIRING FACIAL COVERINGS INDOORS FOR ALL INDIVIDUALS AGED 2  
AND OLDER IN CHILDCARE FACILITIES, YOUTH CAMPS, AND PreK-12 SCHOOL  
SETTINGS**

**PURPOSE OF THE ORDER**

Pursuant to Colorado Revised Statutes (C.R.S.) §§ 25-1-506, 508, 509, and 516, Pueblo issues this order.

This Public Health Order requires that Facial Coverings be worn indoors for all individuals ages two and older in childcare, youth camps, and pre-K-12<sup>th</sup> grade settings throughout Pueblo County, Colorado so as to help control and slow the spread of the SARS-CoV-2 virus and its variants (coronavirus) and to mitigate the effects of the resulting disease (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The goals of this Order shall be to control and reduce the spread of COVID-19, to maintain consistent health care capacity in Pueblo County to adequately treat patients suffering from the disease, to protect the most vulnerable populations, particularly those who do not yet have access to the vaccine, to mitigate the impact of COVID-19 transmission in schools, allowing schools to continue to offer in-person learning and supports student needs for academic advancement and social emotional development.

This Order follows the Center for Disease Control’s (CDC) Guidance for K-12 Schools, which as of August 05, 2021, recommended universal indoor masking for all students, staff, teachers, and visitors to K-12 schools, regardless of vaccination status, Colorado Department of Public Health and Environment’s (CDPHE) Guidance for Early Childhood Education and K- 12 schools, and CDC’s recommendation that all individuals age two (2+) wear a mask while in public indoor spaces in areas of substantial and high transmissions.

**JURISDICTION AND AUTHORITY**

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

Along with CDPHE, PDPHE is tasked with protecting the health and welfare of the citizens of Pueblo 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.

## ORDER

Pursuant to statutory authority granted to the Executive Director of PDPHE and consistent with the Governor's prior Executive Orders and the CDC's Guidance, the following is ordered:

1. All individuals age two (2) and older (students, visitors, staff, and contractors) must wear a Face Covering while inside any school building or childcare center or while participating in any indoor school-sponsored sport or school-sponsored indoor extracurricular activity within Pueblo County, regardless of vaccination status.
2. All individuals age two (2) and older (participants, staff, visitors, and contractors) must wear a Face Covering while participating in or providing staffing support to youth camps intended for youth under age 19.
3. All individuals age two (2) and older are required to wear a Face Covering while on public transportation, including school buses, as required by the CDC's Requirement for Persons Age 2+ Years to Wear Masks While on Conveyances and at Transportation Hubs.
4. All facilities and entities covered in paragraph one (1) of this order must follow PDPHE Schools and Childcare Guidance including, but not limited to, requirements for isolation, quarantine, reporting cases and outbreaks to PDPHE, cooperation in case investigations and contact tracing, cooperation in distribution of public health notices to families/guardians, keeping attendance records, stable cohorts and seating charts where age appropriate, social distancing as much as possible, comprehensive symptom screening, improving ventilation where possible, promoting hand hygiene and respiratory etiquette, routine cleaning and all other mitigation strategies.
5. Face Coverings must always cover the nose and mouth. Face coverings should be replaced if they become dirty, wet, and/or difficult to breathe through.
6. All school buildings, childcare facilities, and facilities that host activities covered under this order must post signs at each entrance instructing individuals about their legal obligations under this Order. Sample signs are available here:  
<https://covid19.colorado.gov/print-materials>

### Definitions:

1. **Face Covering or Facial Covering** means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. Mesh, netting, or similarly porous material does not meet the requirements or definition of a Face Covering. A Face Covering may be factory-made or may be handmade and improvised by using ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face; allow for breathing without restriction; and either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape.

Any mask that is a single layer of fabric or incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a Face Covering under this Order and is not to be used to comply with this Order's requirements. Valves of that type permit droplet release from the mask and can put others nearby at risk.

2. **School building** means any facility used for instruction (whether academic or extracurricular) for students in pre-kindergarten through 12<sup>th</sup> grade.

**Exemptions.** The following individuals are exempt from the Face Covering requirements of this Order:

1. Individuals under age two (2).
2. Individuals who cannot medically tolerate a Face Covering.
3. Individuals who cannot wear a mask, or cannot safely wear a mask, because of a disability as defined by the Americans with Disabilities Act (ADA) (42 U.S.C 12101 et. Seq.).
4. Individuals for whom wearing a Face Covering would create a risk to workplace health, safety, or job duty as determined by the US Department of Labor, Occupational Safety and Health Administration.
5. Individuals performing any of the following activities are exempt from the Face Covering requirements of this Order while the activity is being performed:
  - a. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication and a clear Face Covering is not available.
  - b. Individuals who are actively eating or drinking during meals or snack time.
  - c. Individuals who are asked to temporarily remove their Face Covering for identification purposes in furtherance of a service requiring legal identification.
  - d. Individuals who are actively engaged in a public safety role, such as law enforcement personnel, firefighters, or emergency medical personnel.
  - e. Individuals who are receiving a personal or medical service where the temporary removal of a Face Covering is necessary to perform the service.
  - f. Individuals who are in a swimming pool and actively engaged in a pool activity in which their Face Covering might become wet.
  - g. Individuals participating in certain high intensity activities when breathing becomes difficult.
  - h. When a student in a classroom setting for academic credit at a PreK-12 school is actively playing an instrument that cannot otherwise be played while wearing a Face Covering and the instrument has a bell cover.
  - i. Individuals who are actively napping or resting pursuant to state licensing requirements.
  - j. Individuals who are alone in an enclosed room.

**Refusal of Service.** Except for the limited exemptions provided above, no owner, operator, administrator, or manager of a school or other facility to which this order applies may provide service to such individuals or allow an individual to enter or be within their indoor space unless the individual is wearing a Face Covering, as required by this Order or another applicable State or Federal Order.

**Reasonable Accommodations.** PDPHE recommends that schools and other facilities review the State’s Civil Rights Guidance.


**Legal Recourse.** Any school or facility that is in violation of this Face Covering 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.

**Preemptions.**

1. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders) concerning Face Coverings; and
2. Nothing in this Order should be construed to preempt any State of Colorado regulations (including CDPHE Orders and Executive Orders) that impose Face Covering requirements beyond those contained in this Order; and
3. Nothing in this Order should be construed to preempt any other local Public Health Orders; and
4. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order; and
5. Nothing in this Order shall be construed to prevent any business or other entity from requiring a Face Covering for its employees, staff, customers, or other personnel while engaging with that entity or on the entity’s property; and
6. Nothing in this Order shall be construed to preempt any federal order or law.

This PDPHE Public Health Order shall be in effect from August 30, 2021, at 12:01 a.m., and shall continue until the Public Health Director modifies, amends, extends, or repeals the order. A two-week downward trend of cases with no more than 50 cases/100,000 in the previous seven days and a downward trend of average percent positivity with no more than 3% average positivity in the previous seven days will trigger a review of the order.

**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 EIGHTEEN (18) MONTHS.**

  
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**Randy Evetts, MPA,  
Public Health Director**

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**8/27/2021  
Date**

APPROVED BY PUEBLO COUNTY BOARD OF HEALTH ON THE 25th DAY OF August, 2021.