PUBLIC HEALTH AGENCY ORDER # 2020 – 04

EFFECTIVE: SATURDAY, April 4, 2020 at 12:01 AM MST

RECITALS

WHEREAS, the Public Health Director issued Public Health Agency Order #2020-01 (Order #2020-01) on March 16, 2020 Limiting Gatherings of People Necessary to Protect Public Health by limiting the number of people who could gather to 50 people and to temporarily close bars and restaurants for 48 hours in order to reorganize their establishments to be conducive to social distancing requirements; and

WHEREAS, the Public Health Director issued Public Health Agency Order #2020-02 (Order #2020-02) on March 18, 2020 Limiting Gatherings of People Necessary to Protect Public Health by directing Shelter in Place mandates in order to prevent or slow the transmission of COVID-19. Order #2020-02 rescinded and replaced Order #2020-01 in its entirety; and

WHEREAS, based on communication between community leaders, to include leaders in neighboring counties, the Public Health Director has re-evaluated Order #2020-02 and believes it necessary for the protection of the public health to further restrict travel from outside counties to San Miguel County for the purposes of construction; and

WHEREAS, Order #2020-02 was rescinded and replaced in its entirety with Public Health Agency Order #2020-03 (Order #2020-03) issued on March 20, 2020. All prior provisions remained the same and substantial changes and amendments to the previously issued Order were highlighted (in bold and italic font) for simplicity. For purposes of this Order, provision N. below has been substantially changed and references residential and construction sites; and

WHEREAS, Order #2020-03 expires on April 3, 2020 and it is the opinion of the Public Health Director that conditions in regards to COVID-19 at the national, state and local level are such that there is a need for continued Public Health Orders to protect the public health; and

WHEREAS, the COVID-19 case “peak” in Colorado is expected in mid to late April and there is scientific evidence that continued travel and lack of physical distancing accounts for the
increase spread of the disease which has a direct impact on our strained healthcare systems and human deaths.

WHEREAS, the Public Health director issues this Public Health Agency Order #2020-04 (Order #2020-04) which hereby rescinds and replaces in its entirety Order #2020-03. All prior provisions remain the same and substantial changes and amendments to the previous order are highlighted (in bold and italic font) for simplicity; and

WHEREAS, Governor Polis has issued public health orders through April 30, that apply across the state. Both the State’s public health order (State Order) and the County’s public health orders are lawful orders and both apply in San Miguel County. However, to the extent one order is more restrictive, the more restrictive order applies in San Miguel County.

* THIS ORDER SHALL RESCIND AND REPLACE ALL PREVIOUS ORDERS *

LIMITING GATHERINGS OF PEOPLE
AS NECESSARY TO PROTECT PUBLIC HEALTH
(STAY AT HOME)

Pursuant to its legal authority set forth in Colorado Revised Statutes §§ 25-1-506, 25-1-508, 25-1-509 and other applicable authority, the Director of the San Miguel County Department Health and Environment ("Public Health Director") has the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health. The Public Health Director shall issue orders and 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.

FINDINGS
1. Coronavirus Disease (COVID-19) was first detected in Wuhan, China in late 2019, and since then has spread to over 60 countries including the United States. As of April 1, 2020, there are 3342 known positive cases of COVID-19 in Colorado in 50 out of 64 counties. Only 18,645 people in the state have been tested, there have been 80 deaths and there is every expectation that more cases will be diagnosed.

2. San Miguel County has seven confirmed positive cases from the PCR nasal swab as of April 1, 2020. Our local medical experts believe that with medical certainty they are
treating additional patients with this COVID-19 and that extreme medical testing limitations at the local, state and federal level is the reason for the lack of information regarding diagnosis in our community.

3. COVID-19 is a respiratory illness transmitted like other respiratory illnesses through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic anywhere from two to fourteen days after exposure. Symptoms include fever, cough or shortness of breath or difficulty breathing.

4. Individuals with serious chronic health conditions and older adults are most at risk for becoming very ill with this disease. Medical staff at the Telluride Medical Center report that they are treating at least three pediatric patients suspected to have COVID-19.

5. The San Miguel County Public Health Medical Officer reports that expert, peer-reviewed sources indicate that at this time, the only effective way to combat COVID-19 is with significant travel restrictions and reducing transmission (e.g. Quarantine and Isolation).

6. On March 10, 2020, the Governor of Colorado declared a State of Emergency related to the presence of COVID-19 in the State. CDPHE has confirmed that COVID-19 continues to spread throughout the State of Colorado.

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

8. On March 16, 2020, the San Miguel County Board of County Commissioners declared a Local Disaster Emergency and several other municipalities and special districts within the County have made similar declarations.

9. A significant number of Coloradans are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large
surge in the number of persons with serious infections can compromise the ability of the healthcare system to deliver necessary healthcare to the public. Colorado is experiencing a rapid increase in COVID-19 transmission that threatens the health of residents and risks overwhelming the healthcare system in the state of Colorado.

10. Limiting the number of people who may gather in the unincorporated areas of the county and within all municipalities within the territorial limits of the county is necessary for the protection of public health. The age, condition and health of a significant portion of the population in San Miguel County places it at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, persons with mild symptoms and asymptomatic persons with COVID-19 may place other vulnerable members of the public at significant risk. A large surge in the number of persons with serious infections can compromise the ability of the healthcare system, particularly in the high-country counties currently affected by community transmission, to deliver necessary healthcare to the public.

11. The limitations on large gatherings and use of physical distancing decreases the risk of COVID-19 transmission to our most vulnerable populations and is especially important for people who are over 60 years old and those with chronic health conditions due to their higher risk of severe illness and death from COVID-19. This Order will reduce the likelihood that many individuals will be exposed to COVID-19 at a single event, and will, therefore, slow the spread of COVID-19 in our communities.

12. The Public Health Director has determined, in consultation with the County Medical Officer, that the following Order is necessary for the protection of the public health. This Order shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have their own public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.

**INTENT**

The intent of this Order is to ensure that the maximum number of people stay at home and self-Quarantine (showing no symptoms of sickness) or self-Isolate (showing symptoms of
sickness) in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as reasonably as possible comply with Physical Distancing Requirements as defined herein. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

PLEASE READ THIS ORDER CAREFULLY.

WHILE WE ANTICIPATE COMPLIANCE, FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES CONTAINED IN C.R.S. §§ 25-1-514, 25-1-516, AND 18-1.3-501, INCLUDING A FINE OF UP TO FIVE THOUSAND (5,000) DOLLARS AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN MONTHS.
ORDER

I. GENERAL

A. All individuals currently living within San Miguel County ("County") shall stay at home and limit their movement and physical gathering with other individuals who are not in their immediate family. (Note: this is consistent with the State Order.) Individuals may leave their residence only to perform any of the following determined to be "Essential Activities":

i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional for urgent healthcare needs, or obtaining supplies they need to work from home.

ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish and poultry, and any other household consumer products necessary to maintain the safety, sanitation and essential operation of residences. We strongly suggest that residents attempt to procure these products from within San Miguel County and refrain from travelling outside of the County whenever possible.

iii. To engage in outdoor activity within San Miguel County, provided the individuals comply with Physical Distancing Requirements as defined herein such as, by way of example and without limitation, walking, hiking or running.

iv. To perform work providing essential products and services at an Essential Business, or to otherwise carry out activities specifically permitted in this Order including Minimum Basic Operations.

v. To care for a family member or pet in another household.
vi. Moving to a new residence.

B. Visitors to San Miguel County are directed to return home immediately upon the issuance of this Order by the fastest and safest available means, and persons considering visiting San Miguel County shall remain home. For clarity, a “visitor” includes persons who are traveling here to vacation, staying in a short-term rental, hotel or fractional share accommodation, or someone who does not claim San Miguel County as their primary residence.

i. Although non-resident homeowners are exempt from this Section, non-resident homeowners are strongly encouraged to leave or not travel to San Miguel County as we have very limited community resources. Non-resident homeowners who chose to come to San Miguel County shall Quarantine or Isolate, as defined herein, in their home for 14 days upon arrival to prevent the possible spread of COVID-19 which includes not being in public for Essential Activities or to access Essential Businesses (i.e. participating in outdoor activities, going to the grocery store or pharmacy.) Please be prepared to be self-sufficient during this time and have groceries, mail and anything else you may need delivered to your property. If you come to your home here, you must understand the current county public health orders and be prepared to possibly stay in San Miguel County for the coming weeks (after the 14-day Quarantine/Isolation) as the COVID-19 situation continues to evolve.

ii. Full-time residents of San Miguel County who made the decision to travel outside of the County for vacation or an extended period of time (ex. more than 48 hours) shall also Quarantine or Isolate in their home for 14 days upon arrival to prevent the possible spread of COVID-19 which includes not being in public for Essential Activities or to access Essential Businesses. Please be prepared to be self-sufficient during this time and have groceries, mail and anything else you may need delivered to your property.

iii. Full-time residents of San Miguel County who are making the decision to continue to travel out of county for Essential Travel, Essential Activities or to access Essential Businesses and urgent/emergent Healthcare Operations,
should practice these public health orders, including physical distancing requirements and traveling only for essential activities. We strongly suggest that residents attempt to remain within San Miguel County and refrain from traveling outside of the County whenever possible.

C. All Events, as defined herein, of 10 people or more, including employees and attendees, are prohibited effective immediately.

D. All Events at food establishments including bars, taverns, taprooms, and restaurants are prohibited, regardless of the number of attendees, except that such establishments may provide takeout and delivery of food so long as such establishments are otherwise in compliance with this Order. For the purposes of clarity, this means that bars, taverns, taprooms and restaurants should be and are hereby closed, except for takeout and delivery food service. Service of alcohol by the drink at bars, taverns, taprooms, and restaurants is hereby prohibited, except that such retailers licensed for on-premises alcohol consumption may sell, deliver, or provide for takeout of sealed alcohol beverages if the customer, who is over twenty-one (21) years old, also purchases food. (*Note: this is now in alignment with the Governor’s Executive Order D 2020 011 issued on March 20, 2020 as found at https://www.colorado.gov/governor/2020-executive-orders.)

i. Physical Distancing Requirements must be met as defined herein. These include limiting contact of people within six (6) feet from each other for 10 minutes or longer, and any other guidance. See Section II, below.

ii. Employees that are sick or exhibiting COVID-19 symptoms shall be prohibited from their workplace.

iii. Proper hand hygiene and sanitation must be readily available to all attendees and employees.

iv. Environmental cleaning guidelines from the US Centers for Disease Control and Prevention (CDC) are followed (e.g., clean and disinfect high touch surfaces daily or more frequently).
All businesses with a facility in the County, except Essential Businesses as defined herein, are required to cease all activities at facilities located within the County except for Minimum Basic Operations as further defined herein or remote operations. For clarity, businesses not listed as an Essential Business may also continue operations consisting exclusively of employees or contractors performing activities remotely or can provide pick-up or delivery service as long as such businesses are otherwise in compliance with this Order. All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Physical Distancing Requirements as defined herein, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

Unless otherwise addressed, the following are considered “Essential Businesses”:

i. Healthcare Operations, Essential Governmental Functions and Essential Infrastructure (e.g., courts of law, medical providers for urgent care, public utilities, critical county, town and special district operations, and critical school operations such as nutrition programs).

ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, wholesale and products necessary to maintaining the safety, sanitation, and essential operation of residences.

iii. Food cultivation, including farming, livestock, and fishing;

iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise individuals in need.
v. Newspapers, television, radio, and other media services.
vi. Gas stations and auto-supply, auto-repair, and related facilities.
vii. Banks and related financial institutions.
viii. Hardware stores.
ix. Plumbers, electricians, exterminators, internet or broadband providers and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses.
x. Businesses providing mailing and shipping services, including post office boxes.
xi. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.
xii. Laundromats, dry cleaners, and laundry service providers.
xiii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.
xiv. Businesses that ship or deliver groceries, food, goods or services directly to residences or other businesses.
xv. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order.
xvi. Home-based care for seniors, adults, or children.
xvii. Residential facilities and shelters for seniors, adults, and children.
xviii. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.

xix. *Medical and Retail Marijuana stores and Regulated Marijuana Businesses.* (Note: this is now in alignment and in accordance with the Colorado Department of Revenue’s Industry-Wide Bulletin 20-04 issued on March 30, 2020 as found at https://www.colorado.gov/pacific/enforcement/2020-med-industry-bulletins and attached for clarity on how business may be conducted.)

F. For purposes of this Order, individuals *shall stay at home but* may leave their residence to work for or obtain services at any “Healthcare Operations”, including hospitals, clinics, dentists (for emergency care), pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms, *playground equipment*, and similar facilities.

G. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, airport operations *as set forth in E(xv) above*, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste, *compost, and recycling* collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with *Physical* Distancing Requirements as defined this Section, to the extent possible.
H. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Physical Distancing Requirements as defined herein, to the extent possible.

I. All Events at the following locations are prohibited, regardless of the number of attendees: Day care centers, child care centers, home child care centers, private schools (including pre-schools) and private day schools.

J. All short term lodging, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges, fractional share residences, and retreats shall cease operations, unless otherwise authorized in writing by the Public Health Director or her designee for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel. Specifically excluded from this Order are circumstances in which it is not safe or impossible for a guest to depart from the County. However, there shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled.

K. Local public transportation is considered an Event for purposes of this Orders and Physical Distancing Requirements shall be implemented. Said transportation shall be limited to individuals who are accessing Essential Services or conducting Essential Travel or working for Essential Businesses.

L. For clarity, residential and commercial construction are businesses not listed as an Essential Business above. Residential and commercial construction businesses may only continue Minimum Basic Operations or remote operations unless otherwise
authorized in writing by the Public Health Director or her designee. (*Note: this is more restrictive than the State Order.)

M. For clarity, real estate sales and rentals are businesses not listed as an Essential Business above. Real estate sales and rentals businesses may only continue Minimum Basic Operations or remote operations unless otherwise authorized in writing by the Public Health Director or her designee. (*Note: this is more restrictive than the State Order.)

N. Individuals shall stay at home and limit their travel to Essential Travel. For purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Physical Distancing Requirements as defined in this Section. Residents should not carpool with people outside of their household members.

   i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
   ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
   iii. Travel to return to a place of residence from outside the jurisdiction.
   iv. Travel required by law enforcement or court order.
   v. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

II. OTHER DEFINITIONS
For purposes of this Order:

A. “Event” is a gathering for business, social, or recreational activities, or a location that engages in or allows for such activities; that takes place indoors or outdoors, including, but not limited to, community, civic, public, leisure, or sporting events;
parades; concerts; festivals; assemblies; places of worship; conventions; fundraisers; restaurants and bars (regardless of capacity); community recreational centers; ice rinks; libraries; child care centers; and similar locations and activities.

“Event” does not include activities that are primarily individual or occur in small groups or in non-congregate settings, such as places of employment or primarily small-group sports like skiing, as long as physical distancing occurs particularly in areas where congregating in groups is unavoidable. “Event” also does not include places of employment for federal, state, local and special district employees, employees of public utilities or utility service providers (e.g., electric utility providers, internet service providers, water and sewer service providers), grocery stores, hardware stores, or medical service providers.

B. “Physical Distancing Requirements” includes maintaining at least six-foot distancing from other individuals for no longer than ten minutes, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces and not shaking hands.

C. “Quarantine” is used to separate people believed to have been exposed to a contagion, in this case to COVID-19, in the event they are infected. Quarantine is used so people who had this exposure do not spread the virus even though they are not exhibiting symptoms of illness. People who are asked to Quarantine are to remain home for 14 days from the time of exposure. This means no trips to the post office, grocery store, etc. It also means only brief time outside the home when absolutely necessary, such as letting a dog out. It is imperative that the person under Quarantine severely restrict their movement and stay at least 6 feet away from anyone else outside of their household.

i. Persons under Quarantine should contact their healthcare providers if they develop symptoms such as a cough or fever and should contact 911 if they experience worrisome shortness of breath.
ii. People who test positive on the first or second BLOOD TEST AND DO NOT have symptoms are ordered to quarantine for 14 days from the day of the first positive blood test result.

D. “Isolation” is used when a person or persons are exhibiting symptoms of disease and is more strict than Quarantine. The sick person not only stays home, but is isolated, that is completely separated from all persons in the household who are not sick. If other members of the household are sick, this measure is more like Quarantine (see above).
   i. Self-Isolation is 14 days from the first day the person has symptoms.
   ii. People who test positive on the PCR Swab tests are to self-Isolate for 14 days from when their symptoms first started.
   iii. People who are sick but have not been swabbed are to self-Isolate for 14 days from when their symptom first started.
   iv. People who test positive for COVID-19 antibodies on the first or second BLOOD TEST AND have symptoms are ordered to self-isolate for 14 days from the first day of their symptoms.

E. “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined herein, to the extent possible, while carrying out such operations:
   i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
   ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

III. FURTHER GUIDANCE

Further guidelines for social distance are available at https://www.sanmiguelcountyco.gov/590/Coronavirus
IV. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

If you have questions regarding this Order, please contact the San Miguel County Health Department at 970.728.4289.

Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the San Miguel County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

This Order is in effect until MIDNIGHT MST on May 1, 2020, and is subject to continuing review by the Public Health Director.

Grace Franklin  
Public Health Director  

I, Michael Bordogna, hereby acknowledge receipt of this Order.

To protect and preserve the health and environment by providing high-quality public health care services and environmental protection services to the people of San Miguel County.
March 30, 2020

INDUSTRY-WIDE BULLETIN 20-04

RE: Updates to Guidance Regarding MED Response to COVID-19

Dear Marijuana Industry Stakeholders:

The Marijuana Enforcement Division is providing the below updates regarding the Governor's Executive Orders, related public health orders, and the Division's emergency rules, each of which respond to COVID-19. The below updates are intended to both amend and clarify previously issued guidance. Any previous guidance in Industry-Wide Bulletin 20-03 to the contrary is superseded by the guidance contained here.

Critical Business Designation


Medical and Retail Marijuana Stores:

► Medical and Retail Marijuana Stores are considered “Critical Businesses” that may continue operations pursuant to Social Distancing Requirements and the Colorado Marijuana Rules. See below for additional information regarding permitted and prohibited transactions.

Other Regulated Marijuana Businesses:

► Regulated Marijuana Businesses (e.g. those engaged in the cultivation, manufacturing, testing, or transportation of Regulated Marijuana) are considered Critical Businesses and/or are authorized to engage in “Necessary Activities” subject to Social Distancing Requirements

Pursuant to the Amended Public Health Order, Regulated Marijuana Businesses must comply with (a) the guidance and directives for maintaining a clean and safe work environment issued by CDPHE and any applicable local health department; and (b) Social Distancing Requirements and all public health orders currently in effect. In addition to any violation of the Colorado

1 The Amended Public Health Order defines “Critical Retail” to include “Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant to Executive Order 2020 011). Executive Order D 2020 011 suspended section 44-10-601(7), C.R.S., “to facilitate pick up by consumers twenty-one (21) years of age and older in a manner consistent with social-distancing guidelines,” as directed by CDPHE.

2 The Amended Public Health Order also defines “Necessary Activities” to include “performing work providing essential products and services for a Critical Business...” and “Minimum Basic Operations” to include “minimum necessary activities to (1) maintain the value of the business’s inventory, ensure security.” Further, the Amended Public Health Order includes “transportation and infrastructure necessary to support Critical Businesses,” as critical infrastructure. Lastly, the Amended Public Health Order defines “any manufacturing necessary to support a Critical Business,” as “Critical Manufacturing.”

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Marijuana Rules, failure to comply with an executive order or a public health order may be the basis for fine, suspension or revocation of a Regulated Marijuana Business license.

**Medical and Retail Marijuana Stores - Permitted Transactions**

Medical Marijuana Stores and Retail Marijuana Stores may conduct transactions in the manner outlined below. Any previous guidance in Industry-Wide Bulletin 20-03 to the contrary is superseded by the guidance below.

**Transactions Inside the Licensed Premises**:

- Patients and consumers may order, purchase, and pick up Regulated Marijuana on the Licensed Premises. Licensees are no longer prohibited from allowing Retail customers on the Licensed Premises, but are required to implement Social Distancing Requirements pursuant to state and local orders.
  - Please note that Licensees can still modify their Licensed Premises, such as by extending the Restricted Access Area to the lobby or waiting area, without prior application or approval to the Division as provided in the emergency rules and explained in Industry-Wide Bulletin 20-03.
- Permitted methods of payment include cash, check, debit or credit cards, including electronic payments.

**Transactions Outside the Licensed Premises** (previously referred to as “Curbside”):

- Patients and consumers may only pick-up and purchase pre-ordered Regulated Marijuana outside the Licensed Premises. (Licensees may not accept orders outside the Licensed Premises).
- Permitted methods of payment include check, debit or credit cards (Licensees may not conduct cash transactions outside the Licensed Premises).
- Licensees providing pick-up and purchase services outside the Licensed Premises shall provide patients and consumers clear instructions including, but not limited to:
  - Instructions for online and telephone orders and payment;
  - A clear description of the designated location for pick-up;
  - Information regarding how a patient or consumer will be notified when an order is ready for pick-up and/or payment; and
  - Any other information a patient or consumer reasonably needs to know in order to utilize pick-up and payment services in a compliant and efficient manner.
- Licensees should also consider implementation of additional security measures in connection with transactions outside the originally designated Licensed Premises, including but not limited to installation of security cameras, employment of security personnel, and addition of security lighting.

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3 For purposes of this Industry-Wide Bulletin 20-04, “inside the Licensed Premises” means the Licensed Premises designated by the Medical Marijuana Store or Retail Marijuana Store pursuant to the Store’s premises diagram last submitted to the Marijuana Enforcement Division.

4 For purposes of this Industry-Wide Bulletin 20-04, “outside the Licensed Premises” means a location immediately adjacent to the Licensed Premises that is under the control of the Licensee and under surveillance.
Medical and Retail Marijuana Stores - Prohibited Conduct

The following conduct is prohibited. Any previous guidance in Industry-Wide Bulletin 20-03 to the contrary is superseded by the guidance below.

► Cash Payment Outside the Licensed Premises: Licensees cannot accept cash payments outside the Restricted Access Area of the Licensed Premises. This is a change from the prior Industry-Wide Bulletin 20-03, which permitted cash payments outside the Licensed Premises. Credit/debit transactions are still permitted.

► Accepting Orders Outside the Licensed Premises: Licensees cannot accept orders outside the Restricted Access Area of the Licensed Premises. This is a change from the prior Industry-Wide Bulletin 20-03, which permitted orders outside the Licensed Premises.

► Transactions on Public Property: Licensees cannot provide pick-up and purchase services on any public property, such as a public street or sidewalk.

► Transferring Unpackaged or Unlabeled Regulated Marijuana to Patients or Consumers: Licensees shall ensure all Regulated Marijuana is packaged and labeled in accordance with the Colorado Marijuana Rules prior to leaving the Restricted Access Area of the Licensed Premises.

► Obstruction of Traffic: Licensees cannot provide pick-up and purchase services outside of the Licensed Premises in a manner that obstructs vehicle or pedestrian traffic or creates any other risk to public safety.

► Violation of Applicable State and Local Laws: Licensees shall not violate any criminal statutes or ordinances or any local ordinance or rules, including those which prohibit conduct that would otherwise be permitted by the emergency rules and this Industry-Wide Bulletin 20-04.

Regulated Marijuana Delivery

Medical Marijuana Stores with a valid delivery permit may deliver Medical Marijuana to patients pursuant to the Colorado Marijuana Rules, 1 CCR 212-3. The Marijuana Enforcement Division is currently accepting applications for Medical Marijuana Store delivery permits. Prior to the issuance of a delivery permit, the applicant must establish the local jurisdiction in which the Medical Marijuana Store is located allows delivery. Further, delivery of Regulated Marijuana is subject to local licensing/approval and any applicable local laws. For additional information, please see Rule 3-615, 1 CCR 212-3.

Pursuant to House Bill 19-1234, the issuance of delivery permits for the delivery of Retail Marijuana is not permitted until January 2, 2021. Beginning January 2, 2021, Retail Marijuana Stores, Retail Marijuana Transporters, and Medical Marijuana Transporters may apply for a delivery permit.

Social Distancing Considerations

CDPHE's Public Health Order requires "Critical Businesses" such as Medical and Retail Marijuana Stores to implement "Social Distancing Requirements." The Public Health Order defines these requirements as "individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as
possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands),
regularly clean high-touch surfaces, and not shake hands.”

To maximize Social Distancing and limit interactions inside the Licensed Premises for the safety of employees, patients and consumers, Medical and Retail Marijuana Stores are strongly encouraged to direct their patients and consumers to telephone and online options for placing orders and making payment. When any portion of a transaction occurs inside the Licensed Premises (pick-up, payment, product selection, etc.), Licensees are required to ensure Social Distancing between patients, consumers, and employees which may include, but is not limited to the following:

- Limit the number of people inside the Licensed Premises at any one-time (including employees) such that all people are at least six feet apart at all times.
- Limit the amount of time a patient or consumer can remain on the Licensed Premises.
- Utilize additional portions of the Licensed Premises, including the lobby, to provide additional space to facilitate Social Distancing between employees and patients/consumers and between individual employees.
- Consider modifications to the Licensed Premises to provide additional space or create barriers (e.g. installing “sneeze guards”) to facilitate Social Distancing between employees and patients/consumers and between individual employees.
- Use online or web-based applications for virtual lines (waitlists).
- Require advanced appointment scheduling for patients and consumers to pick-up orders.
- Instruct patients and consumers to arrive only after receiving notification that their order is ready for pick-up.
- Encourage or require patients and consumers to complete their payments over the telephone or online prior to arrival.
- Limit the formation of lines outside the Licensed Premises to the greatest extent possible. If preventing the formation of lines entirely is not feasible, the Licensee shall:
  - Assign staff to monitor and manage queuing;
  - Limit the total number of walk-up patrons allowed to wait outside of the Licensed Premises (for example, allow no more than 10 patrons to wait outside of the Licensed Premises);
  - Ensure patients and consumers outside the Licensed Premises are standing at least six (6) feet apart; and
  - Ensure patients and consumers outside of the Licensed Premises are not blocking pedestrian traffic or the entry/exit to any neighboring businesses.

Regulated Marijuana Businesses are required to comply with state and local guidance and directives for maintaining a clean and safe work environment and all executive orders and public health orders currently in effect. See CDPHE’s guidance and related information about COVID-19.

5 Regulated Marijuana Businesses may make temporary modifications to its Licensed Premises to effectuate Social Distancing. These temporary modifications are exempt from state “modification of premises” application, fee, and approval requirements. See Emergency Rule 2-250(A)(1), 1 CCR 212-3.
Industry Bulletin and Rules Subject to Further Modification

The Division will monitor (a) any Executive Orders or public health orders that modify, limit, or prevent activities consistent with this Industry-Wide Bulletin 20-04 and the emergency rules; and (b) the effectiveness of the emergency rules to evaluate the extent to which any of the emergency rules should be amended or repealed and to evaluate any necessity for enforcement action.

Licensees must ensure any measures taken pursuant to the emergency rules or the guidance provided in this Industry Bulletin demonstrate prudent behavior and a shared commitment to protecting the health and safety of their employees, patients, consumers, the surrounding community, and the general public. The State Licensing Authority has the authority to sanction a Licensee, and any agent or employee of a Licensee, for any violation of the Colorado Marijuana Code, the Colorado Marijuana Rules, any Executive Order or Public Health Order, or any other state or local terms, conditions, or provisions. Sanctions may include, but are not limited to fine, suspension, and revocation. The Division is closely monitoring Licensee activity for purposes of evaluating needs for any such enforcement action, and is prepared to initiate immediate enforcement action as required to protect public health and safety.

The Division may amend this Industry-Wide Bulletin and will continue to provide updates and issue guidance in response to stakeholder inquiries.

Sincerely,

The Marijuana Enforcement Division