



Frequently Asked Questions: Enforcement of Public Health Orders

What is a public health order?

Under Colorado law, the executive director of the Colorado Department of Public Health and Environment (CDPHE) has the authority to close theaters, schools, and other public places. The executive director also may forbid gatherings of people, or may seek isolation or quarantine of individuals, when necessary to protect the public health, and to investigate and control the causes of epidemic and communicable diseases affecting the public health.

Why are public health orders important?

The impact of a pandemic—such as that presented by COVID-19—can be best managed through limiting exposure to the virus. This imperative requires public health mandates that limit the situations where the virus can spread rapidly. By “social distancing,” and not operating establishments that bring people together, we will save lives, particularly of those most vulnerable to the virus, such as older residents.

Are there any public health orders related to the COVID-19 crisis?

Yes, the executive director of CDPHE has issued public health orders to protect the public health and safety from the spread of COVID-19. Under Colorado law, it is unlawful for any person, association, or corporation to willfully violate, disobey, or disregard the provisions of the public health laws or the terms of this or any other public health order. These orders also implement the Governor’s state-at-home order that is in effect until April 11, 2020, unless it is rescinded or modified by the Governor.

Are residents and businesses required to follow these public health orders?

Yes. Any person who violates an order may be subject to civil and criminal penalties. Violation of a public health order is a misdemeanor and can be punished by a fine of up to \$1,000 or up to one year in jail. Individuals who violate an order may also be responsible for some costs of the health agencies in abating the cause of sickness, and could have a state license—such as a restaurant or liquor license—revoked. Law enforcement has normal powers to address any criminal violations related to an order.

How can local law enforcement or local public health agencies enforce public health orders?

Under Colorado law, counties and local public health agencies have the authority to administer and enforce an order. The State is recommending that local law enforcement and/or local public health agencies first reach out to the entity to seek voluntary compliance. However, local county attorneys or district attorneys can bring any civil or criminal action requested by the local public health director for a local violation of an order. A county attorney representing a local public health agency can seek a judge’s order in state court to force an individual or business to immediately comply with an order.

How can the State enforce public health orders?

Under Colorado law, CDPHE has the authority to enforce an order. This may happen when a local public health agency is unable or unwilling to enforce an order. The Colorado Attorney General, representing CDPHE, can seek a judge’s order in state court to force an individual or business to immediately comply with an order or, where a district attorney is willing and able, can work with them to do so.

What can residents do if they suspect someone is violating a public health order?

Residents should first contact their local public health agency to report any potential violations of an order. Residents may also file a report with the Attorney General’s Office at covid19@coag.gov if local law enforcement or a local public health agency is unresponsive.