



Updated December 2, 2021

## Tri-County Health Department's Fully Vaccinated Facility Guidance

Tri-County Health Department's (TCHD) [Public Health Order Requiring Face Coverings for all Individuals 2 Years of Age and Older in All Public Indoor Spaces](#), issued on November 23, 2021, requires individuals to wear face coverings when inside any indoor public space, with limited exceptions.

Because fully vaccinated individuals have a significantly lower risk of both transmitting and contracting the Delta variant of COVID-19, TCHD is offering an additional exception to the Mask Order for **Fully Vaccinated Facilities** - facilities and events that implement (and show proof of implementation) of a policy or policies that verify that 95% of all individuals within their public indoor space(s) are fully vaccinated. This is a voluntary program designed for businesses, facilities, and events that choose to implement vaccine verification requirements for the indoor spaces.

This guidance outlines the requirements for an indoor space subject to this Order to become a **Fully Vaccinated Facility or Event**. Once a self-attestation is submitted to TCHD and verified to meet the requirements as outlined below, a Fully Vaccinated Facility or Event may allow individuals within the approved indoor public space to remove their masks. Self-attestation information is located at the end of this document.

### Fully Vaccinated Facility and Event Requirements

A Fully Vaccinated Facility or Event must:

- **Have a written policy and process requiring proof of vaccination for all individuals entering the indoor public space (visitors, employees, staff, etc.).**
  - The program does not require any particular type of written policy nor does it require or prohibit any particular exemptions as long as the facility or event can prove that 95% of the individuals in each approved indoor space has provided proof of full vaccination against COVID-19.
  - Policies should detail **(1)** the documentation/information that an individual must provide, including individuals requesting the exemption; **(2)** how the facility or event evaluates the applicability of the exemption to that individual, and, if applicable, the unique considerations of the facility or event that require that facility or event to have such an exemption; and **(3)** what actions the facility or event will take (for example, denial of entry) for individuals who refuse to comply with the policy.
  - Admitting an individual into your facility or event in violation of your policy will be considered a violation of the program terms and may result in the facility or event becoming ineligible for the program. It could also be considered a violation of the Public Health Order.

- **Policy must result in the facility or event verifying that at least 95% of all individuals within their indoor space are fully vaccinated at all times.**
  - To calculate the percentage of fully vaccinated individuals in the indoor space, the facility or event must count all individuals indoors, including but not limited to children under 12 and individuals exempt from the vaccine requirement, regardless of the reason.
  - Facilities that expect that they may have a large number of individuals requesting exemptions should modify their policy, for example, by providing fully-masked hours of operation. Failure to comply with the 95% rule may result in the facility or event becoming ineligible for the program. It also may result in a violation of the Public Health Order.
- **Post a sign at all entrances to the facility or space indicating that they are a Fully Vaccinated Facility or event and that proof of vaccination is required to enter.**
- **Continue to implement its policy and verify proof of vaccination for all individuals entering its approved indoor space(s) for the duration of their participation in the program.**

### **Eligible Businesses, Facilities, & Events**

- Any business, event, or organization operating in an indoor space may operate as a **Fully Vaccinated Facility** if they implement all of the requirements of the program as outlined above and submit a self-attestation to that affect.
- A **Fully Vaccinated Facility** can be:
  - An entire building operating as a Fully Vaccinated Facility 24/7
  - An entire building operating as a Fully Vaccinated Facility at specific times
  - A room within a building operating Fully Vaccinated Facility 24/7 or at specific times
  - A single event within a facility
- Facilities and events subject to state or federal orders requiring face coverings regardless of vaccination status, including facilities subject to the [Colorado Department of Health Public Health Orders](#) and the [CDC Transportation Order](#) are not eligible for this program.
- Childcare and PK-12 schools subject to TCHD's [Public Health Order Requiring Facial Coverings In All Individuals Aged 2 Years And Older In Schools And Child Care Settings](#) are not eligible for the vaccine verification program.
- Facilities and events should consult with legal counsel to determine policy compliance with any applicable federal, state, and local laws.

### **Proof of Vaccination**

Pursuant to the Public Health Order, vaccination status must be verified using one of the following forms of documentation:

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes the name of the person vaccinated, the type of vaccine provided, and the date the last dose was administered); or
- A photo of a COVID-19 Vaccination Record Card; or
- A photo of a COVID-19 Vaccination Record Card stored on a phone or electronic device; or
- Documentation of COVID-19 vaccination from a healthcare provider; or
- Digital vaccination record accessed through the [myColorado application](#).

Please familiarize your business, employees, and staff with the FBI's Public Service Announcement regarding fake vaccine cards.

To report suspicious activity involving fake vaccination cards:

- 1-800-HHS-TIPS or [www.oig.hhs.gov](http://www.oig.hhs.gov) and the Internet Crime Complaint Center [www.ic3.gov](http://www.ic3.gov), and the Colorado Attorney General at 800-222-4444.
- Please also notify TCHD by emailing [covidbusinessrecovery@tchd.org](mailto:covidbusinessrecovery@tchd.org)

### **Individuals with Medical, Religious, or Other Exemption Requests**

While TCHD expects that facilities and events request to verify every individual's vaccination status, TCHD recognizes that for some facilities and events, an exemption from the fully vaccinated requirement may be required by law, for example, pursuant to Title VII or the Americans with Disabilities Act, or because of ineligibility for the vaccine due to age. In this case, the facility or event may choose whether to admit unvaccinated individuals as long as unvaccinated individuals comprise less than 5% of all individuals in the indoor space. Facilities and events are advised to consult legal counsel about their legal obligations with respect to exemptions.

The program does not require any facility or event to provide exemptions to the proof of vaccination requirement. However, if a facility or event permits exemptions from the vaccination requirement then, regardless of the reason for the exemptions, the facility should be able to prove that it has verified that at least 95% of the individuals within its facility or event are fully vaccinated. The calculation of the 95% must include all people in the indoor space, including but not limited to exempt individuals and individuals who are ineligible for the vaccine (i.e. those under 5). Failure to comply with the 95% rule may result in the facility or event becoming ineligible for the program.

### **Alternatives to Vaccination Not Permitted**

- **Masking Not an Alternative** - The program requires that you request proof of vaccination for all individuals. The program only permits up to 5% of the individuals within a facility to be unvaccinated, even if those unvaccinated individuals are wearing a mask or otherwise ineligible for the vaccine (for example, under 5).
- **Negative COVID-19 Test Not an Alternative** - A negative test presented in lieu of proof of vaccination as part of a facility policy will not meet the requirements of the vaccine verification program.
- Facilities and events participating in this program may accommodate individuals who will not or cannot provide proof of vaccination by providing certain hours during which any individual (including unvaccinated) may enter the facility as long as all individuals, including vaccinated individuals, are wearing a mask in compliance with TCHD's Order.

### **Delivery, Repair, & Maintenance**

Fully Vaccinated Facilities should direct delivery personnel to leave deliveries outside to the extent practicable, and, to the extent such deliveries must be made inside, they should minimize interactions with individuals who have not provided proof of full vaccination. All individuals within the same enclosed area during delivery, repair, or maintenance activities must mask pursuant to TCHD's Order.

## Inspections

Facilities and events participating in this program agree to unannounced inspections by TCHD as TCHD may deem necessary.

This program is based on facility and event policies, not the vaccination status of any individual person, and as a general matter TCHD will not inquire into the vaccination status of an individual person for purposes of enforcement. However, TCHD may ask to review a facility's or event's policy implementation and tracking system to ensure compliance with their policy and program requirements.

TCHD reserves the right to request information on the vaccination status of individuals for purposes of case investigation, contact tracing, and imminent health hazards.

## Self-Attestation and TCHD Verification Process

- Owners, operators, or managers wishing to operate their indoor public space as a **Fully Vaccinated Facility** must complete and submit a Self-Attestation.

**Fully Vaccinated Facility  
Self-Attestation Form**

- If the self-attestation indicates compliance with requirements outlined above, the facility will receive a confirmation from TCHD, notifying the business that they are permitted to operate as a Fully Vaccinated Facility and individuals within their indoor space may remove their masks.
- TCHD may reach out for additional information.
- Please direct any questions to [covidbusinessrecovery@tchd.org](mailto:covidbusinessrecovery@tchd.org).

## Facilities and Events Participating in TCHD's Fully Vaccinated Facility Program

A full list of all events and facilities participating in TCHD's Fully Vaccinated Facility Program will be available here soon.

## Resources for Businesses

### For Employers

- [Department of Labor – COVID-19 Vaccination & Employer Healthcare Plans/Wellness Programs](#)
- [CDC on Employer "Vaccinate Mandates and Exemptions"](#)
- [United States Equal Employment Opportunity Commission Guidance](#)

### For Events & Businesses with Visitors

- [CDC Event Planning FAQs](#)
- [State of Colorado](#) (see section on Vaccine Laws & Regulations)

### Applicability of HIPAA

- [State of Colorado](#) (see section on Vaccine Laws & Regulations)
- [CDC](#) (see section on HIPAA)

**This guidance document may be modified or amended by TCHD as circumstances warrant.**