EXECUTIVE ORDER NO. 20-27

A SAFE AND STRONG OREGON (PHASE II): MAINTAINING ESSENTIAL HEALTH DIRECTIVES IN RESPONSE TO COVID-19, AND CONTINUING TO IMPLEMENT A PHASED APPROACH FOR REOPENING OREGON'S ECONOMY

Since January 2020, the State of Oregon has been engaged in responding to the public health threat posed by the novel infectious coronavirus (COVID-19). As the threat escalated, the State's response elevated to meet the threat. On March 8, 2020, I declared a state of emergency pursuant to ORS 401.165 *et seq.*, and directed certain immediate response actions. Thereafter, the World Health Organization declared that the COVID-19 outbreak is a global pandemic, and the President of the United States declared the COVID-19 outbreak a national emergency.

During March and April 2020, as the coronavirus continued to spread around the world, I took a series of actions aimed at slowing the spread of COVID-19 in Oregon, and to mitigate the public health and economic impacts of the pandemic. These actions included but were not limited to limitations on gatherings; closing schools; taking steps to protect those in congregate living situations; declaring an abnormal market disruption; banning on-site consumption of food and drink at food establishments statewide; suspending in-person instructional activities at higher education institutions; ordering the postponement of non-urgent health care procedures in order to conserve personal protective equipment (PPE) and hospital beds; and imposing a temporary moratorium on residential and commercial evictions. On March 23, 2020, I ordered Oregonians to "Stay Home, Save Lives," directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring physical distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare.

Those actions helped prevent and control the spread of COVID-19 in Oregon. Accordingly, in late April and early May 2020, I began to take steps to ease the restrictions mentioned above, including allowing for the gradual resumption of non-urgent health care procedures, reopening certain outdoor recreation opportunities, allowing small gatherings, and easing restrictions around childcare and certain retail businesses. I also signed an executive order directing the State to begin a phased, data-driven, and regionally tailored approach to reopening social, economic, and other activities in Oregon.

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Although physical distancing, the "Stay Home, Save Lives" order, and the other essential actions mentioned above have helped slow the spread of COVID-19 in Oregon, State and local public health officials advise that the virus is continuing to circulate in the community and expect the number of cases to increase as restrictions are lifted. Even in counties that have had low numbers of cases to date, the risk of spread remains. This virus remains very dangerous, and the global spread of the novel coronavirus continues to seriously threaten the lives and health of Oregonians. As of today, there are at least 4,399 cases and 159 deaths in Oregon, with more than 100,000 deaths from COVID-19 nationwide. Cases of COVID-19 have been detected in all corners of the state, as the virus knows no boundaries. Supply chains for testing and PPE remain critical, and Oregon's capacity to test, contact-trace, and isolate new cases needs continued improvement. Given that risk for a resurgence of COVID-19 remains if protective measures are not maintained here in Oregon, we must maintain preparedness as we continue to ease these restrictions over time. Put simply, the difficult work of controlling the statewide spread of this virus must continue.

I am encouraged by the hard and careful work counties, businesses and other entities, and individuals have done around the state to move forward with the phased reopening process, and to adapt to a new way of operating. As we continue to move forward, this reopening process must continue to balance the need to restore and strengthen our overall social and economic wellbeing with the prevention of a resurgence of COVID-19 that would undermine the important public health outcomes achieved to date. The goals of this reopening process include minimizing hospitalizations and deaths; minimizing risk to frontline workers; avoiding overwhelming health systems; allowing people to safely return to work so they can support themselves and their families; protecting those at highest risk of severe illness, especially communities of color; and supporting small gatherings that preserve community cohesion and cultural practices.

The success of Oregon's emergency response efforts and phased reopening will depend in large part on the ability of employers, employees, and each and every member of the public to adhere to public health, safety, and physical distancing measures. Preventing and controlling outbreaks and limiting the spread of COVID-19 is the only way to avoid future business and social disruption, and to allow Oregon's economic and social life to thrive.

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NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Pursuant to ORS 401.168, ORS 401.175, ORS 401.188, and ORS 433.441, I am ordering the following:

Framework for Reopening a Safe and Strong Oregon

1. This Executive Order rescinds and replaces Executive Order 20-25, sets forth baseline requirements that apply statewide, and provides a statewide phased reopening process and guidelines that apply in Phase I and Phase II.

    a. Baseline Requirements. This Executive Order sets forth certain baseline requirements—essential statewide protective measures—that Oregonians and Oregon businesses must continue to adhere to, to keep our communities safe and to allow the phased reopening process to move forward. These baseline requirements apply statewide, except as modified by the phased reopening directives and guidance, or as otherwise modified as allowed under this Executive Order.

    b. Phased Reopening. This Executive Order establishes the phased process by which Oregon's social and economic life will gradually reopen, including the criteria the State will use to evaluate whether to ease or tighten restrictions, to keep Oregonians safe. That process will proceed in three phases—Phase I, Phase II, and Phase III. Counties will be allowed to move through the phases at different paces.

    c. Structure of this Executive Order. Paragraphs 2–10 of this Executive Order outline the baseline requirements that apply, statewide, before a county or the State enters Phase I, and continue to apply unless and until modified. Some of these baseline requirements will be modified in Phase I, Phase II, or Phase III, as outlined below in paragraphs 11–24.

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Baseline Requirements.

2. Stay Safe, Save Lives. Keeping our community safe and reopening our economy depends on Oregonians continuing to adhere to critical physical distancing requirements and other health measures. It is essential to the health, safety, and welfare of the State of Oregon during the ongoing state of emergency that individuals continue to stay at or near their home or place of residence, when possible. To that end, pursuant to ORS 401.168(1), ORS 401.175(3), ORS 401.188(2) to (3), and ORS 433.441(3):

   a. Individuals must continue to adhere to applicable restrictions on gatherings. Paragraph 3 of this Executive Order sets forth baseline gatherings restrictions. Gatherings restrictions for Phase I are set forth in paragraph 15(a), and gatherings restrictions for Phase II are set forth in paragraph 20(a).

   b. Individuals must comply with any public health directives set forth in my Executive Orders.

   c. Individuals should maintain physical distancing of at least six feet from any person who is not a member of their household, when possible, and should adhere to any applicable Oregon Health Authority (OHA) guidance, including but not limited to guidance on physical distancing and face coverings. OHA guidance is available at https://govstatus.egov.com/OR-OHA-COVID-19.

3. Gatherings for Baseline Phase. Gatherings present particular risks for the spread of COVID-19, as sustained contact with large groups presents an increased risk of spreading the disease and, in the event an infected person attends the gathering, makes the work of rapid, effective contact-tracing (a cornerstone of the State's reopening plans) much more difficult. Accordingly, pursuant to ORS 401.168(1), ORS 401.188(2), and ORS 433.441(3)(a), (b), (d) and (f):

   a. Cultural, Civic, and Faith-Based Gatherings. Cultural, civic, and faith-based gatherings of more than 25 people are prohibited. Cultural, civic, and faith-based gatherings of 25 or fewer people are allowed only if a distance of at least six feet can be consistently maintained between individuals from different households.

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b. Social and Recreational Gatherings. Social and recreational gatherings of more than 10 people outside of a home or place of residence are prohibited. Social and recreational gatherings of 10 or fewer people are allowed only if a distance of at least six feet can be consistently maintained between individuals from different households.

c. Paragraph 3 of this Executive Order applies to gatherings only, and does not apply to workplaces, banks and credit unions, gas stations, hotels or motels, shelter programs, health care facilities, pharmacies, child care facilities, schools, higher education institutions, state or local government, or other businesses or activities (e.g. retail, including grocery stores) that are subject to other directives in my Executive Orders or OHA guidance.

d. The Governor, or OHA with the Governor's approval, may modify the directives of paragraph 3 of this Executive Order, as necessary. Any modifications will be made available at https://govstatus.egov.com/OR-OHA-COVID-19.

4. Business and Sector-Specific Restrictions. Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), and (f), businesses must comply with any applicable OHA guidance, including but not limited to employer guidance, and face coverings guidance, which may be amended from time to time. Additionally, the following baseline requirements apply until modified in Phase I, Phase II, or otherwise:

a. Food and Drink

(1) During the Baseline Phase, restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, clubs, or other similar establishments that offer food or drink may not offer or allow on-premises consumption of food or drink. Establishments may offer food or drink for off-premises consumption (e.g., take-out or drive-through) or for delivery. Establishments offering such service must implement physical distancing protocols of at least six feet between customers ordering, waiting, or in line, consistent with any applicable OHA guidance. Establishments also must

implement physical distancing protocols of at least six feet for staff, when possible. Any sale of alcoholic beverages for off-premises consumption must comply with ORS chapter 471 and any rules adopted thereunder.

(2) Paragraph 4(a)(1) of this Executive Order does not apply to health care facilities, child care facilities, workplaces, government buildings, emergency response facilities, school-based food programs, and shelter and meal programs serving vulnerable populations. Such places are encouraged to use physical distancing, staggered schedules, take-out, and other similar measures to reduce the risk associated with the spread of COVID-19.

b. Sector-Specific Guidance. Certain specified sectors of Oregon's economy must comply with applicable OHA guidance, which may be amended from time to time. This requirement includes but is not limited to retail businesses; public transit; zoos and other gated outdoor attractions; museums; and athletic training activities (as permitted by and in compliance with applicable OHA guidance).

c. Businesses Closed during Baseline Phase. Subject to any modifications made to the following list (through OHA guidance, at the direction of the Governor), operation of the following businesses, for which close personal contact is difficult or impossible to avoid, continues to be prohibited during the Baseline Phase:

Amusement parks; aquariums; arcades; barber shops and hair salons; bowling alleys; dance studios; esthetician practices; fraternal organization facilities; gyms and fitness studios (including climbing gyms); hookah bars; indoor and outdoor malls (i.e., all portions of a retail complex containing stores and restaurants in a single area); indoor party places (including jumping gyms and laser tag); medical spas, facial spas, day spas, and non-medical massage therapy services; nail and tanning salons; non-tribal card rooms; skating rinks; senior activity centers; social and private clubs;

tattoo/piercing parlors; tennis clubs; theaters; yoga studios; and youth clubs.

Paragraph 4(c) of this Executive Order does not apply to restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, or other similar establishments that offer food or drink, which remain subject to paragraph 4(a) of this Executive Order. Indoor and outdoor malls, and other businesses subject to paragraph 4(c) of this Executive Order, are not prohibited from operating to provide food, grocery, health care, medical, pharmacy, or pet store services.

d. Modifications: At the direction of the Governor, OHA or another appropriate state agency may issue guidance allowing one or more of the types of businesses or facilities listed in paragraph 4(c) to open, either as part of the phased reopening process or otherwise. In addition, at the direction of the Governor, OHA may amend the directives of paragraph 4 of this Executive Order, and any guidance referenced herein, and may create additional guidance and FAQs, as necessary. All referenced guidance, and any amendments, will be made available at https://govstatus.egov.com/OR-OHA-COVID-19.

e. Result of Non-Compliance: Businesses that fail to comply with the applicable requirements of paragraph 4 of this Executive Order shall be closed until they demonstrate compliance.

5. Workplace Restrictions during Baseline Phase. Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), (d) and (f):

a. All businesses and non-profit entities with offices in Oregon shall facilitate telework and work-at-home by employees, to the maximum extent possible. Work in offices is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy.

b. When telework and work-from-home options are not available, businesses and non-profits must designate an employee or officer to establish, implement, and enforce physical distancing policies,

consistent with OHA guidance. Such policies also must address how the business or non-profit will maintain physical distancing protocols for business-critical visitors.

c. Businesses and non-profits must comply with any applicable OHA guidance, including but not limited to guidance for employers. At the direction of the Governor, OHA may from time to time modify or promulgate new guidance, as necessary.

d. Businesses and non-profits that fail to comply with paragraph 5 of this Executive Order will be closed until they demonstrate compliance.

6. Government Buildings. Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), (d) and (f):

a. The Department of Administrative Services (DAS) is directed to issue guidance for all state executive branch offices and buildings, subject to approval by the Governor. Guidance may include, but is not limited to, directives regarding the operation of government buildings; the provision of public services; telework and work-from-home options; and physical distancing measures. That guidance, which may be modified from time to time, will be communicated by DAS to affected state agencies and made available to the public at https://www.oregon.gov/das/pages/coronavirus-state-gov-employee.aspx.

b. Paragraph 6 of this Executive Order applies to all offices and buildings owned or occupied by the state executive branch. This Executive Order does not apply to offices and buildings owned or occupied by the state legislative and judicial branches, federal government, local governments, and tribal governments.

7. Outdoor Recreation and Travel. Pursuant to ORS 401.168(1) and (3), ORS 401.175(3), ORS 401.188(1) to (3), and ORS 433.441(3):

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a. Individuals may go outside for recreational activities (walking, hiking, etc.), but must limit those activities to non-contact, are prohibited from engaging in outdoor activities where it is not possible to maintain appropriate physical distancing, and must follow applicable OHA guidance regarding outdoor recreation activities. Managers of recreation areas also must comply with applicable OHA guidance. At the direction of the Governor, OHA may from time to time modify that guidance, as necessary.

b. Individuals should continue to minimize non-essential travel, consistent with any applicable OHA guidance. Whenever possible, Oregonians should travel the minimum distance necessary to or from a home, residence, or workplace; for obtaining or providing food, shelter, consumer needs, education, health care, or emergency services; for receiving or rendering essential business and government services; for the care of family members, household members, elderly persons, minors, dependents, persons with disabilities, or other vulnerable persons, pets, or livestock; for travel as directed by government officials, law enforcement, or courts; and for other economic, social, or recreational activities allowed by or consistent with my Executive Orders and OHA guidance.

c. Private and public campgrounds may open if they are able to comply with OHA's guidance regarding outdoor recreation.

d. The Oregon Parks and Recreation Department retains authority to close any property or facility if proper physical distancing cannot be maintained.

e. During Baseline Phase, pools, skate parks, outdoor sports courts, and playground equipment areas remain closed. At the direction of the Governor, OHA or another appropriate state agency may issue guidance allowing one or more of these types of facilities to open, either as part of the phased reopening process or otherwise. Such guidance will be made available at https://govstatus.egov.com/OR-OHA-COVID-19.

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8. Higher Education, Schools, Childcare, Youth Programs. The Governor has directed state education entities to work with school and education partners across Oregon on a reopening plan for schools, so Oregon students can return to the classroom for the 2020-2021 school year, in some form. Higher education institutions shall continue to comply with Executive Order 20-09, including as extended or modified by further Executive Orders, and any guidance from the Higher Education Coordinating Commission. Childcare facilities, and any expansion or restriction of childcare services, will proceed pursuant to Executive Order 20-19, including as modified by further Executive Orders, and any guidance from the Department of Education, Early Learning Division, Office of Child Care. K-12 schools continue to be subject to Executive Order 20-20, including as extended or modified by further Executive Orders, and any guidance from the Department of Education. If directed to do so by the Governor, OHA or other appropriate state agency may provide further guidance on youth programs, including but not limited to indoor, outdoor, and overnight summer camps.

9. Guidance. At my direction, and under the authority of this and other Executive Orders, OHA and other appropriate agencies have issued and will continue to issue and revise detailed guidance for the public, for employers, and for particular sectors of the economy. Oregon's continued forward movement towards reopening is reliant on all Oregonians continuing to follow applicable general and sector-specific guidance from OHA and other state agencies. Oregon has used a targeted, science-based approach to respond to the ongoing COVID-19 emergency. As we continue to learn more about combatting the novel coronavirus, Oregonians can expect that guidance may need to be modified over time, to ensure an effective emergency response. To that end, if directed to do so by the Governor, OHA or other agencies, as appropriate, shall modify or provide additional detail regarding any of the baseline requirements set forth in paragraphs 2 through 8 of this Executive Order, as necessary, and subject to approval by the Governor. Any such modifications and additional guidance will be made available to the public at https://govstatus.egov.com/OR-OHA-COVID-19.

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10. Executive Order 20-25 is rescinded, and replaced by the directives in this Executive Order.

Reopening Oregon Framework

11. Phased Reopening. The State shall undertake a phased, data-driven, and regionally tailored approach to modifying and further easing the baseline requirements set forth above, in order to reopen social, economic, and other activities in Oregon. Reopening will proceed in three phases—Phase I, Phase II, and Phase III. The phased reopening process will balance important health outcomes with the need to restore and strengthen Oregon's social and economic wellbeing.

12. Prerequisites for Entering Phase I. The Phase I directives set forth in paragraph 15 of this Executive Order take effect statewide when Oregon meets all prerequisites for Phase I. Those prerequisites shall be established by the Governor, upon recommendation by OHA, and may include but are not limited to:

    a. Declining prevalence of COVID-19;

    b. Adequate minimum testing regimen;

    c. Adequate contact tracing system;

    d. Adequate isolation/quarantine facilities;

    e. Issuance of statewide sector guidance for Phase I sectors;

    f. Sufficient healthcare capacity; and

    g. Sufficient personal protective equipment supply.

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13. Process for Statewide Transition to Phase I. OHA shall notify the Governor when the statewide prerequisites set forth in paragraph 12 of this Executive Order have been met, at which time the Governor may determine that Phase I is in effect, in accordance with guidance issued by OHA. Once the Governor makes that determination, the Phase I directives of this Executive Order take effect statewide.

14. Process for Individual County Transition to Phase I. Even if the Governor has not yet issued a statewide determination pursuant to paragraph 13 of this Executive Order, a county may seek approval from the Governor to transition to Phase I if the county meets all Phase I prerequisites, as set forth in paragraph 12 of this Executive Order, and any applicable guidance issued by OHA. The Governor's Office may specify the process by which counties can apply for approval under this paragraph. Once the Governor approves a county application in writing, the Phase I directives take effect in that county.

15. Phase I Directives. Under Phase I, and notwithstanding any inconsistent baseline requirements set forth in paragraphs 2–9 of this Executive Order, the following is permitted in any county where the Phase I directives have taken effect, but only if the county and authorized activities comply with all applicable Phase I guidance issued by OHA:

    a. Local Gatherings. In addition to gatherings authorized by paragraph 3 of this Executive Order, individuals may gather locally for any purpose in groups of up to 25—including social or recreational gatherings previously limited to 10 or fewer people under paragraph 3(b) of this Executive Order—as long as a distance of at least six feet can be consistently maintained between individuals from different households. Local travel to such gatherings is allowed. In Phase I, the restrictions in this subparagraph do not apply to sectors of the economy where a different sector-specific set of guidance applies (e.g., restaurants, personal care business, and retail), so long as that sector-specific guidance is followed. This subparagraph also does not apply in the circumstances set forth in paragraph 3(c) of this Executive Order.

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b. Sectors of the Economy. The following sectors may reopen or expand operations, provided that they operate consistent with OHA Phase I guidance and all other applicable OHA guidance:

(1) Food and drink establishments, including but not limited to restaurants and bars with food service, which must comply with Phase I restaurant guidance;

(2) Personal care businesses and facilities, such as salons and gyms, which must comply with Phase I personal services guidance;

(3) Indoor and outdoor malls, which must comply with Phase I Indoor and Outdoor Malls guidance; and

(4) Such other sectors as the Governor may identify as eligible for reopening or expanded operations during Phase I.

16. Transition from Phase I to Phase II. Neither the state nor any county may transition from Phase I to Phase II unless at least twenty-one (21) days have elapsed, to allow for evaluation of the public health effects of the prior transition.

17. Prerequisites for Entering Phase II. The Phase II directives set forth in paragraph 20 of this Executive Order take effect statewide when Oregon meets all prerequisites for Phase II, after not less than 21 days in Phase I. Those prerequisites shall be established by the Governor, upon recommendation by OHA, and may include but are not limited to:

a. All of the prerequisites for transitioning to Phase I, as set forth in paragraph 12 of this Executive Order;

b. Timely follow-up (contact tracing) on a specified percentage of new cases, within 24 hours;

c. A specified percentage of new positive cases must be traced to an existing case; and

d. No significant increase in incident cases or test positivity rate.

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18. Process for Statewide Transition to Phase II. OHA shall notify the Governor when the statewide prerequisites set forth in paragraph 17 of this Executive Order have been met, at which time the Governor may determine that Phase II is in effect, in accordance with guidance issued by OHA. Once the Governor makes that determination, the Phase II directives of this Executive Order take effect statewide.

19. Process for Individual County Transition to Phase II. Even if the Governor has not yet issued a statewide determination pursuant to paragraph 18 of this Executive Order, a county may seek approval from the Governor to transition to Phase II, and may be approved to do so if, after not less than 21 days that county entered Phase I, the county meets all Phase II prerequisites, as set forth in paragraph 17 of this Executive Order, and any applicable guidance issued by OHA. The Governor's Office may specify the process by which counties can apply for approval under this paragraph. Once the Governor approves a county application in writing, and no earlier than 21 days after the County entered Phase I, the Phase II directives take effect in that county.

20. Phase II Directives. Under Phase II, and notwithstanding any inconsistent baseline or Phase I requirements set forth in paragraphs 2–9 and paragraph 15 of this Executive Order, the following is permitted in any county where the Phase II directives have taken effect, but only if the county and authorized activities comply with all applicable Phase II guidance issued by OHA:

    a. Gatherings Restrictions. Notwithstanding the baseline and Phase I restrictions in paragraphs 3 and 15 of this Executive Order, during Phase II individuals may gather for any purpose in groups of up to 50 in indoor spaces, or up to 100 in outdoor spaces, so long as they maintain physical distancing of at least six feet between individuals who are not from the same household. In Phase II, the restrictions in this subparagraph do not apply to sectors of the economy where a different sector-specific set of guidance applies (e.g. those set forth in paragraph 20(b)), so long as that sector-specific guidance is followed. This subparagraph also does not apply in the circumstances set forth in paragraph 3(c) of this Executive Order.

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b. Sectors of the Economy. In addition to the sectors allowed to operate under existing baseline and Phase I directives and guidance, and notwithstanding any contrary directives in this Executive Order, the following sectors may reopen or further expand operations, provided that they operate consistent with applicable OHA Phase II guidance for that sector:

(1) Venues and event operators, including but not limited to theaters and places of worship, may operate provided that they comply with applicable OHA Phase II guidance.

(2) Indoor paid recreational activities not otherwise categorized (e.g., ice skating, bowling, and arcades) may operate provided that they comply with applicable OHA Phase II guidance.

(3) Outdoor paid recreational activities not otherwise categorized (e.g., jetboats, mini golf, and batting cages) may operate, provided that they comply with applicable OHA Phase II guidance.

(4) Pools and sports courts may open, provided that they comply with applicable OHA Phase II guidance.

(5) Food and drink establishments, including but not limited to restaurants and bars with food service, may expand service, provided that they comply with applicable OHA Phase II guidance.

(6) Recreational sports, which may return to play provided they comply with applicable OHA Phase II guidance.

(7) Such other sectors as the Governor may identify as eligible for reopening or expanded operations during Phase II.

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c. Limited Return to Work. Notwithstanding paragraph 5, above, workplaces may begin a limited return to office work, although remote working remains recommended to the extent practicable. Workplaces that have employees returning to work must designate, or continue to designate, an employee or officer to establish, implement, and enforce physical distancing policies, consistent with any applicable OHA guidance. Such policies also must address how the business or non-profit will maintain physical distancing protocols for business-critical visitors.

d. Travel. Notwithstanding paragraph 7(b), above, individuals may travel in order to participate in all social, civic, economic, recreational and other activities authorized for counties who are in Phase II.

21. Guidance. Subject to approval by the Governor, OHA (or another agency, when directed by the Governor) shall issue phased reopening guidance. That guidance may ease and modify certain baseline requirements; set forth requirements for Phase I, Phase II, or Phase III; and provide other general and sector-specific guidance. That guidance may be amended from time to time. Guidance will be posted at the following web address: https://govstatus.egov.com/OR-OHA-COVID-19.

22. Subsequent Transitions. It is my expectation that neither the state nor any county may transition from Phase II to Phase III unless and until widely available and effective therapeutics or a vaccine become available, or other significant changes in the threat from the pandemic emerge, as determined by the Governor. However, I intend to continue to monitor progress in Phase II, and to periodically review whether additional adjustments can be made to Phase II directives and guidance.

23. Conditions for Re-imposing Restrictions. Reopening Oregon carries with it a risk of COVID-19 resurgence that may require increased restrictions, even after the state or individual counties transition to Phase I or Phase II. Subject to approval by the Governor, OHA shall specify conditions that could trigger re-imposition of increased restrictions. Those conditions may include but are not limited to:

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a. Inability to meet contact tracing requirements;

b. Evidence of increasing prevalence of COVID-19 cases; or

c. Evidence of increasing burden of severe COVID-19 cases.

If any of the potentially triggering conditions are met, OHA will call an immediate meeting with local public health officials, for further discussion and evaluation. OHA will then make recommendations to the Governor, who has the authority to decide what action is necessary, as well as the authority to take that action at any time.

24. Modifications to Phase I or Phase II. If directed to do so by the Governor, OHA or other agencies, as appropriate, shall modify or provide additional detail regarding any of the requirements set forth in paragraphs 11 through 23 of this Executive Order, as necessary, and subject to approval by the Governor. Any such modifications and additional guidance will be made available to the public at https://govstatus.egov.com/OR-OHA-COVID-19.

General Provisions

25. Legal Effect. This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

26. Enforcement. The directives in this Executive Order and any guidance issued by OHA or other state agencies to implement this Executive Order are effective statewide, unless otherwise specified. This Executive Order and any guidance issued by OHA to implement this Executive Order are public health laws, as defined in ORS 431A.005, and may be enforced as permitted under ORS 431A.010. In addition to any other penalty that may be imposed under applicable laws, any person, business, or entity found to be in violation of this Executive Order or any guidance issued by OHA or other state agencies to implement this Executive Order is subject to the penalties described in ORS 401.990.

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27. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Executive Order is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Order.

28. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.

29. Effective Date. The provisions of this Executive Order are effective immediately, unless otherwise specified, and remain in effect until terminated by the Governor.

Done at Salem, Oregon, this 5th day of June, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno

Bev Clarno
SECRETARY OF STATE