EXECUTIVE ORDER NO. 20-38

THIRD EXTENSION OF EXECUTIVE ORDER 20-03 AND COVID-19 STATE OF EMERGENCY; RESCINDING EXECUTIVE ORDER 20-16

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, and increased the state's preparedness to live with this virus until a vaccine or cure can be found. 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 signed executive orders 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 have advised that the virus is continuing to circulate in the community and have expected the number of cases to increase as restrictions are lifted. Indeed, as reopening has moved forward in recent months, case numbers have continued to climb in Oregon. As we have seen in recent months, spikes in cases can occur rapidly, even in counties where case numbers had previously been low. During the last few months, rising case numbers have required the State to temporarily pause the reopening process for a substantial fraction of the state's population, to issue additional requirements for the use of face coverings in many indoor and outdoor spaces, to help slow the spread of the virus. Additionally, outbreaks and community spread in certain counties have required us to reimpose restrictions at times, to maintain public health and safety. Continued work is necessary to bring virus levels down to where it is safe for K-12 schools across the state to reopen for in-person instruction.

While Oregon continues to cautiously reopen sectors of its economy, this virus remains very dangerous, and the ongoing spread of the novel coronavirus continues to seriously threaten the lives and health of Oregonians statewide. As of today, there are at least 26,713 cases and 459 deaths in Oregon, with more than 183,000 deaths from COVID-19 nationwide. Spikes of cases are occurring across the country following reopening, and while Oregon is in better position than many states, Oregon too is seeing rising case numbers as reopening proceeds. 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. Preventing and controlling outbreaks and continuing to limit 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.

Put simply, the difficult work of controlling the statewide spread of this virus must continue, and must continue to evolve as we learn more and conditions change. This emergency is not over, and neither is our emergency response.

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NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. Extension of State of Emergency for an Additional 60 Days

   a. On March 8, 2020, I issued Executive Order 20-03, declaring a statewide state of emergency pursuant to ORS chapter 401, due to the COVID-19 outbreak in Oregon. That emergency declaration extended for 60 days, through May 7, 2020.

   b. I subsequently extended Executive Order 20-03 and the COVID-19 state of emergency twice, both times finding that the virus continued to threaten public health and safety. On May 1, 2020, I issued Executive Order 20-24, extending the state of emergency through July 6, 2020. On June 30, 2020, I issued Executive Order 20-30, extending the state of emergency through September 4, 2020.

   c. Pursuant to ORS 401.165 and ORS 401.204 and based on the facts described above, I find that COVID-19 continues to threaten public health and safety, and remains a statewide emergency under ORS 401.025. Accordingly, I hereby extend Executive Order 20-03 and the COVID-19 state of emergency for an additional 60 days, through November 3, 2020, unless extended or terminated earlier by the Governor.

2. Periodic Review of COVID-19 Emergency Orders

   a. Review Process. As part of the response to the COVID-19 state of emergency, and pursuant to my emergency powers, I have issued a series of emergency orders, designed to address the threat. It is important to continually evaluate the ongoing need for these orders. Accordingly, I have committed to re-evaluating each of the COVID-19 related orders once every 60 days, to decide whether it should be continued, modified, or rescinded.

   b. Results of Review. As part of my decision to extend the state of emergency for COVID-19, I have reviewed all COVID-19 emergency orders which remain in effect. I have decided the following:

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(1) Executive Orders 20-06 and 20-15 (Abnormal Market Disruption). I find there remains an ongoing need for these emergency orders, which provide the Attorney General with authority to investigate price gouging and other market disruptions. At this time, these orders shall continue, without modification.

(2) Executive Order 20-16 (Public Meetings and Local Government Operations). Earlier this summer, the Oregon Legislative Assembly enacted House Bill 4212, which codified several provisions from Executive Order 20-16. As a result, I find that Executive Order 20-16 is no longer necessary. I hereby rescind that order, effective immediately.

(3) Executive Order 20-19 (Childcare Facilities). Executive Order 20-19 sets forth directives relating to emergency childcare facilities. I find there remains an ongoing need for this emergency order, and continue it without modification.

(4) Executive Order 20-22 (Resumption of Non-urgent Healthcare Procedures using PPE; Restricting Visitation). Executive Order 20-22 sets forth directives that allow the resumption of non-urgent healthcare procedures using PPE, and that place restrictions on visitation in certain healthcare facilities. I find there remains an ongoing need for this emergency order, and continue it without modification.

(5) Executive Order 20-27 (A Safe and Strong Oregon, Reopening Phase II). Executive Order 20-27 sets forth directives relating to the management of the ongoing COVID-19 emergency and the reopening of Oregon's economy. I find there remains an ongoing need for this emergency order, and continue it without modification.

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(6) Executive Order 20-28 (Higher Education). Executive Order 20-28 sets forth directives relating to the resumption of in-person instruction and other activities at higher education institutions. I find there remains an ongoing need for this emergency order, and continue it without modification.

(7) Executive Order 20-29 (K-12 Education). Executive Order 20-29 sets forth directives relating to the provision of K-12 education services in Oregon. I find there remains an ongoing need for this emergency order, and continue it without modification.

(8) Executive Order 20-37 (Foreclosure Moratorium Extension). Executive Order 20-37 extends House Bill 4204's mortgage foreclosure moratorium until December 31, 2020, pursuant to the text of that bill and my emergency powers. I find there remains an ongoing need for this order, and continue it without modification.

Done at Salem, Oregon, this 1st day of September, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno

Bev Clarno
SECRETARY OF STATE

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