

EXECUTIVE ORDER NO. 20-__

DIRECTING INDIVIDUALS TRAVELING TO OREGON FROM HIGHER-RISK STATES TO SELF-ISOLATE OR SELF-QUARANTINE FOR A LIMITED PERIOD

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. I also signed executive orders allowing schools and universities around the state to begin the process of planning to reopen in some form during the next academic year.

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, case numbers have begun to climb more rapidly in Oregon. And as recent large-scale outbreaks tied to food processing plants and a house of worship demonstrate, spikes in cases can occur rapidly, even in counties where case numbers had previously been low. Rising case numbers recently required the State to temporarily pause the reopening process for a substantial fraction of the state's population, and, most recently, to issue additional requirements

for the use of face coverings in many indoor public spaces, to help slow the spread of the virus while allowing reopening to continue.

While Oregon is continuing to cautiously reopen, 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 ____ cases and ____ deaths in Oregon, with more than 142,000 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, we too are seeing rising case numbers. Notably, many of those cases have been linked to Oregon residents and non-residents traveling to Oregon from other states, where the virus is prevalent. Many travelers to Oregon may be unaware that they carry the virus, as some individuals infected with COVID-19 are asymptomatic or have mild symptoms. For those reasons, it is necessary for our State to impose a self-isolation and self-quarantine requirement for persons arriving in Oregon from certain higher-risk states, to ensure the public health and safety of our people.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

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

1. Definitions.
 - a. “Higher-risk states” refers to states designated by the Oregon Health Authority (OHA) that (1) have a COVID-19 positive test rate higher than █ per 100,000 residents over a seven-day rolling average; (2) have a testing positivity rate that exceeds █ percent over a seven-day rolling average; or (3) meet other criteria established by OHA, at the direction of the Governor.
 - b. “Self-isolation” and “self-quarantine” refer to the voluntary physical separation of a person, or group of people from the same household, in a residence or other place of lodging, apart from other individuals. Generally, “isolation” refers to separating and restricting the movement of persons who have contracted COVID-19; “quarantine” refers to separating and restricting the movement of persons who have been (or may have been) exposed to COVID-19 to see if they become ill.
2. Requirement for Self-isolation or Self-quarantine. All residents and non-residents traveling to Oregon from higher-risk states are required to self-isolate or self-quarantine. The period of self-isolation or self-quarantine begins at the time of entry to the state and lasts for fourteen (14) days or the duration of the person’s time in Oregon, whichever is shorter, unless an alternative period is prescribed by OHA. Persons required to self-isolate or self-quarantine pursuant to this paragraph must adhere to any other requirements and restrictions set forth in applicable OHA directives and guidance.
3. Exceptions. Paragraph 2 of this Executive Order does not apply to travel to or from a workplace or for job-related or business activities; persons traveling for purposes of obtaining or providing necessary food, shelter, consumer needs, education, health care, or

Commented [BDE*G1]: These criteria are based on NY’s approach. If we use the NY criteria, the advantage is that we could piggy-back on NY’s determination re: which states are on or off the list during a given week. Currently, 31 states are on NY’s list:
<https://www.governor.ny.gov/news/governor-cuomo-announces-individuals-traveling-new-york-10-additional-states-will-be-required>

emergency services; persons traveling for purposes of receiving or rendering essential business and government services; persons traveling for purposes of rendering necessary care for 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 purposes as provided by applicable OHA directives or guidance.

4. OHA Guidance. At my direction, and pursuant to this Executive Order and the emergency authorities set forth in ORS chapters 401 and 433, OHA may issue further directives and guidance to implement this Executive Order. 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, guidance related to this Executive Order may need to be modified over time, to ensure an effective emergency response. To that end, OHA shall provide additional directives and guidance regarding this Executive Order, as necessary, and subject to the direction and approval of the Governor. Such directives and guidance will be made available at <https://govstatus.egov.com/OR-OHA-COVID-19>.
5. Enforcement. Individuals who do not comply with the provisions of this Executive Order and applicable OHA guidance may be subject to involuntary isolation and quarantine orders, pursuant to ORS 433.121 or ORS 433.123. 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, including but not limited to enforcement via civil penalties as provided in that statute. 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.
6. 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.
7. 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.
8. Effective Date. The provisions of this Executive Order are effective _____. They remain in effect until terminated by the Governor, and are subject to the 60-day periodic review process set forth in paragraph 2(a) of Executive Order 20-30.

Done at Salem, Oregon, this ____ day of July, 2020.