

The background of the entire image is a close-up, slightly wavy American flag. The top portion shows the blue field with white stars, while the bottom portion shows the red and white stripes. The text is overlaid on this background.

Oregon Business Owners

*Have the Right
To
Life, Liberty, and
The
Pursuit of
Happiness*

Oregon Business Owners

*Have the Right To Life,
Liberty, and The
Pursuit of Happiness*

Dear Oregon Business Owner,

Please use this guide book as a tool and resource to **STAY OPEN**. We have assembled much information pertinent to the situation you have been put in unfairly and against the law.

We have enclosed Governor Brown's **Executive Order 20-66** hilited to show you what ORS statutes she chose to follow. The 2 laws we have given you we feel are the most important.

The first one, **ORS 433.441**, specifically states in **#5** on page 2, she had 14 days plus another 14 days of authority and then it expired. She had to go back to the State Legislature for and additional amount of authority. She chose not to.

The 2nd law she broke is **ORS 183.335** Public Notice Rules. She failed to do this on her first attempt to write her Statewide Mask orders. But honestly, it doesn't matter. Her failure to comply with **#5** above negates this entire fiasco. PERIOD!

The 3 things we wish you would use to make the most impact with any **State Agent** who tries to fine, harass or shut down your business is located in;

- Section 7 – **Illness & Injury Protection Plan**. This is a template for you to adopt and show any State Agent if they demand it.
- Section 8 – **17 Key Points For Businesses & Patrons**. Understand these and give anyone a copy who gives you grief.
- Section 10 – **Public Notices**. Put these on 3 separate 8.5 x 11 sheets with your store logo on them. Put them in bold and large font. Post them where everyone can see.

As far as the rest of the book, read **Judge Shirtcliff's opinion** and temporary injunctive relief. Even if the Supreme Court decided NOT to review the case, they didn't overturn this.

And here's a great question for you to ask any elected public official who has to swear upon the Bible that they will uphold the **Constitution** of the United States. "How many protections are afforded in the First Amendment?" The vast majority flunk the test. And therein lies our problem as Citizens & Business Owners.

My hope and prayer is that you will take off your masks, end social distancing and return to the Old Normal. Just put on a sandwich board outside your front door this statement, "**We Don't Wear Masks, Social Distance, Or Lockdown. Those That Disagree, Don't Enter!**"

Scott Stuart
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Oregon Business Owners

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EXECUTIVE ORDER NO. 20-66

RISK AND SAFETY FRAMEWORK: COUNTY-BY-COUNTY METRICS-BASED APPROACH TO CONTROLLING COVID-19 TRANSMISSION TO CONSERVE HOSPITAL CAPACITY AND PROTECT HUMAN HEALTH AND HUMAN LIVES

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 COVID-19 continued to spread around the world, I took a series of actions aimed at slowing the spread of the virus, and to mitigate the public health and economic impacts of the pandemic. 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 is widely available. Following the success of these early measures, in late April and early May 2020, I began to take steps to ease the restrictions that had been imposed in March and April. I signed executive orders directing the state to begin a data-driven, phased reopening.

This reopening process has been gradual and cautious, and has not been linear. In response to rising case numbers during the summer, I imposed additional measures, including face-covering requirements for individuals. Outbreaks and community spread in certain counties also have required us to reimpose restrictions at times, to maintain public health and safety. Even before the current surge in cases, it was clear that continued work was necessary to bring transmission levels down to levels that allow K-12 schools across the state to reopen for in-person instruction, among other critical priorities.

Over the past nine months, due to these measures and the collective sacrifices and hard work of Oregonians, Oregon has fared better than many other states when it comes to the health impacts of COVID-19. Both our case numbers and our fatality rate have been lower than the national average. This has real impacts. Put simply, the protective measures we have implemented, combined with the hard work and sacrifice of Oregonians, have saved lives.

However, this pandemic remains very dangerous even in Oregon. As of today, there have been at least 78,160 cases and 953 deaths in Oregon, with more than 13,000,000 cases and more than 269,000 deaths from COVID-19 nationwide.



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And right now, in Oregon, like the rest of the country, new cases of COVID-19 are spiking at an alarming rate, as we enter cold and flu season, as the weather turns and grows colder, and as Oregonians spend more time indoors. We have gone from seeing around 200–300 cases a day in September, to more than 1,000 cases a day in November. These cases are occurring in communities around the state. Test positivity rates are increasing sharply as well, an indication that COVID-19 is widespread in our communities. Additionally, the holiday season gives further cause for concern. Our history with this virus is such that after each holiday so far, we have experienced a spike in cases. Given the surge we are in right now, a further spike could be devastating.

The situation is truly dire.

As a result, our hospitals have been sounding the alarm. Hospital census due to COVID-19 patients needing hospitalization is growing rapidly across most of the state. Hospitals have started to utilize tools to maximize patient access to hospital beds, but the tools are not infinite. Hospitals across the state have voluntarily begun to reduce some surgeries to preserve beds and staff capacity. This is not just happening in Oregon. The dreaded winter surge is here. Infection records are being set in states across the country. This means we cannot look to other states to share their staffing and hospital beds because they too are experiencing the surge.

The cycle of this virus is such that if we are seeing case rates topping 1,000 per day now—and anticipating increased transmission over the holidays—that means our hospitals are headed for very dark days ahead. Actions taken now will help prevent lives from being lost—not just from COVID-19, but from other diseases or accidents that lead people to need hospital-level care, which they would not be able to get if hospital beds and hospital staff are fully occupied with COVID-19 patients.

We are all buoyed by the hopeful news regarding COVID-19 vaccines, and hopeful that distribution of one or more vaccines against COVID-19 may begin in the not-too-distant future. However, unfortunately, as federal, state, and private sector professionals have long advised, distribution of those vaccines, and the vaccines' ability to bring community spread down to acceptable levels, will take time.

Put simply, despite hopeful news on the vaccine front, it is clear that we will still be living with COVID-19 for some time. In order to save lives and protect human health, the state must continue its efforts to control COVID-19 using the basic mitigation measures that have defined this pandemic: wearing a face covering, keeping physical distance, washing hands, avoiding touching our face.



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This Executive Order sets forth the framework for using data-driven indicators of disease spread to guide measures to reduce risk from COVID-19. That is, in counties where disease spread is higher, more restrictive measures will need to be implemented. In counties where disease spread is lower, measures may be eased. The degree of protective measures in the community will be tied directly to the spread of COVID-19 in the community, and may increase or decrease periodically, as spread within the county increases or decreases. It is important to note, however, that there is no zero-risk category.

This is not forever. It is just for now. By continuing to make sacrifices in the near term to protect our friends, families, neighbors, and fellow Oregonians, we can help ensure no one is missing when we gather around our dining room tables and in public spaces in the future. There are no shortcuts in this pandemic. But we will get through it the same way we have so far: together.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Pursuant to ORS 401.168, ORS 401.175, ORS 401.188, ORS 433.441, and ORS 401.035, I am ordering the following:

1. **Replacing Executive Orders 20-27 and 20-65.** As of the effective date of this Executive Order, Executive Orders 20-27 and 20-65 are rescinded, and replaced by the directives in this Executive Order.
2. **Oregon Health Authority (OHA) to issue guidance for the public, employers, and sectors.** Throughout this pandemic, Oregon's response has shifted as conditions on the ground have shifted, and as emerging science and data have given us greater clarity regarding the best ways to manage this pandemic. Maintaining the flexibility to nimbly adjust as conditions and knowledge change is critical to an effective emergency response. Accordingly:
 - a. I delegate to OHA the authority to develop and issue, and from time to time revise, binding guidance for the public, for employers, and for particular sectors of the economy, to implement the directives of this Executive Order. OHA guidance may also provide definitions, clarifications, or needed modifications to the directives in this Executive Order, and may identify certain business types, the operation of which is prohibited during this emergency. The Governor will approve OHA guidance before it is issued. Upon approval, the OHA guidance will



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become part of the directives of this Executive Order and will be published online on Governor Brown's website (<https://govstatus.egov.com/or-covid-19/>) and the OHA website (<https://govstatus.egov.com/OR-OHA-COVID-19>).

- b. As described more fully in paragraph 10 of this Executive Order, once approved by the Governor and published, guidance issued to implement this Executive Order is enforceable to the same extent this Executive Order is enforceable.
- c. In order to continue to control the spread and risk from COVID-19 in Oregon, individuals, businesses, and other covered entities are directed to comply with applicable OHA guidance issued under the authority of this Executive Order.
- d. Any guidance previously issued under the authority of Executive Orders 20-27 or 20-65 continues under the authority of this Executive Order unless and until that guidance is rescinded or modified by OHA or the issuing agency.

3. **Risk Level Metrics.**

a. **Establishing Risk Level Metrics.**

- i. Using the procedure described in paragraph 2 of this Executive Order, OHA is directed to develop and, upon approval by the Governor, publish Risk Level Metrics to systematically measure and identify, on a county-by-county basis, when counties are experiencing "Lower Risk," "Moderate Risk," "High Risk," and "Extreme Risk" from COVID-19 (collectively, "Risk Levels").
- ii. These Risk Level Metrics shall consider indicators of disease spread, which may include case rates and percent positivity. The Risk Level Metrics may also consider factors such as hospital capacity, public health response and response capacity, and impact on communities disproportionately



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impacted, or such other measures as OHA in its judgment, in consultation with the Governor, may determine best measure a county's Risk Level.

- iii. These Risk Level Metrics may be revised from time to time, via the procedure described in paragraph 2 of this Executive Order, and may identify additional Risk Levels beyond the four identified above.

b. Determining counties' Risk Level.

- i. OHA is directed to regularly determine and publish which Risk Level each county falls into, based on the Risk Level Metrics, so counties, and the businesses, individuals, and other entities within those counties, may identify which Risk Level they fall into, and what restrictions apply, at any given time.
- ii. OHA's methodology for periodically determining and publishing which Risk Level a county falls into may use a "waiting period" before moving counties up or down a Risk Level, to confirm that changing case rates or test positivity are a stable trend, rather than an anomaly.
- iii. A county may request to stay at a higher Risk Level on the Risk Level Metrics, even when eligible to move to a lower Risk Level.
- iv. A county's current Risk Level is as determined by OHA for purposes of this Executive Order and guidance issued under the authority of this Executive Order.

4. **Sector Guidance.** Using the procedure described in paragraph 2 of this Executive Order, OHA is directed to do the following:



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- a. Content of sector guidance.
- i. OHA is directed to issue guidance that defines and sets safety measures, operational limitations, and capacity limits for different sectors of the economy, to control the spread and risk from COVID-19. Operational limitations may include, but are not limited to, closure of certain activities.
 - ii. These safety measures, operational limitations, and capacity limits may be tied to, implemented by reference to, and depend on, the Risk Level Metrics and county Risk Levels described in paragraph 3, above. That is, where Risk Levels are higher, safety measures, capacity limits or operational limitations may be more restrictive.
 - iii. In issuing the guidance that defines and sets these safety measures, operational limitations, and capacity limits, OHA shall generally be guided by science and data regarding risk, including but not limited to the general principles for fighting the virus that OHA has identified, or may identify in the future, including but not limited to:
 1. That outdoor activity is safer than indoor activity;
 2. That good ventilation is better than poor ventilation;
 3. That always wearing masks when around others outside your household protects you and those around you;
 4. That keeping at least six feet from others outside your household helps prevent the spread of the disease;
 5. That we should limit the number of people we have contact with—within six feet and in the same space;



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6. That we should limit the density indoors and in confined outdoor spaces or those with shared indoor facilities;
 7. That we should limit the amount of time you are with others outside your household; and
 8. That we may need additional measures to protect those who are most vulnerable.
- b. **Enumeration of sectors.** I direct OHA to issue sector guidance defining, and setting safety measures, operational limitations, and capacity limits, for the following sectors or categories of activities:
- i. Eating and drinking establishments.
 - ii. Indoor Recreation and Fitness Establishments, including but not limited to indoor gyms, indoor fitness organizations, indoor recreational sports, indoor pools, indoor K-12 sports, indoor collegiate sports, indoor personal training, and indoor dance.
 - iii. Indoor Entertainment Establishments, including but not limited to aquariums, indoor theaters/arenas/concert halls, indoor gardens, indoor museums, indoor entertainment activities of any kind, and indoor event spaces.
 - iv. Retail Establishments, including but not limited to farmers' markets, grocery stores, warehouse clubs, wholesale clubs, convenience stores and pharmacies.
 - v. Indoor and Outdoor Shopping Centers/Malls.
 - vi. Faith Institutions, Funeral Homes, Mortuaries, and Cemeteries.



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- vii. Outdoor Recreation and Fitness Establishments, including but not limited to outdoor gyms, outdoor fitness organizations, outdoor recreational sports, outdoor pools, outdoor parks and hiking trails, outdoor campsites, outdoor K-12 sports, outdoor collegiate sports, outdoor personal training, and outdoor dance.
 - viii. Outdoor Entertainment Establishments, including but not limited to zoos, outdoor gardens, outdoor aquariums, outdoor theaters, outdoor stadiums, outdoor event spaces, outdoor arenas, outdoor concert halls, and outdoor entertainment activities of any kind.
 - ix. Youth programs, including but not limited to camps and programs operated by a political subdivision of the state or governmental agency that would otherwise be exempt from licensure.
 - x. Personal Services, including but not limited to barber shops, hair salons, esthetician practices, medical spas, facial spas and day spas, non-medical massage therapy services, nail salons, tanning salons, and tattoo/piercing parlors.
 - xi. Drive-in operations, including but not limited to drive-in movie theatres and viewing experiences from a personal vehicle.
 - xii. Other sectors or categories of activities as OHA, in consultation with the Governor, may determine require sector-specific guidance.
- c. **Compliance with OHA Guidance**. Businesses, non-profits, and other sectors must at all times be aware of the Risk Level in the counties where they operate and comply with the requirements applicable to those Risk Levels established in OHA guidance.



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- d. **Sectors without specific prohibitions** may operate, provided they comply with any applicable OHA guidance, including but not limited to applicable sector-specific guidance, the guidance for employers, and the face coverings guidance.

5. **Individual Guidance.** Using the procedure described in paragraph 2 of this Executive Order, as part of or in addition to the sector guidance referenced in paragraph 4 of this Executive Order, OHA may from time to time issue or amend guidance establishing general requirements that individual Oregonians must comply with regardless of setting to control the spread and risk from COVID-19. This individual guidance may be tied to, implemented by reference to, and depend on, the Risk Level Metrics described in paragraph 3 of this Executive Order. Areas where OHA may, with the approval of the Governor, issue individual guidance include, but are not limited to:
 - a. Requirements regarding face coverings;
 - b. Requirements regarding physical distancing;
 - c. Limitations and safety requirements for social and at-home gatherings;
 - d. Limitations on indoor or outdoor activities not otherwise categorized;
 - e. Limitations and safety requirements for travel; and
 - f. Requirements regarding COVID-19 related isolation and quarantine.

6. **Workplaces with offices in Oregon.** While COVID-19 is spreading in a community, telework, when it is possible, helps to protect a business' employees and their families and other close contacts, and also helps to protect others who are unable to telework, by helping to keep community spread lower. Although utilizing telework options to the extent possible is recommended in all Risk Levels during this pandemic, requirements around telework will vary based on the Risk Level where the county is located.



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Namely, all businesses and nonprofit entities with offices in Oregon, except those expressly exempted in paragraph 8, below, must comply with the following:

- a. When a county is at Extreme Risk: All businesses and non-profit entities with offices in that county 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 a county is at High or Moderate Risk: All businesses and non-profit entities with offices in that county are strongly recommended to facilitate telework and work-at-home by employees, to the maximum extent possible. It is strongly recommended that work in offices be avoided whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy.
- c. When a county is at Lower Risk: Businesses and non-profit entities with offices in that county may make limited return to work available. Businesses and non-profits are encouraged to consider continuing to make telework and work-at-home options available.
- d. For all Risk Levels: Businesses and non-profit entities with offices in Oregon must comply with any applicable OHA guidance, including but not limited to applicable sector-specific guidance, the guidance for employers, and the face coverings guidance.

7. Recommendations.

- a. Remote, drive-through, and outdoor options encouraged. For all activities allowed during the effective dates of this Executive Order, individuals, families, businesses, event organizers, and faith leaders are strongly encouraged to consider remote, drive-through, curbside,



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delivery and outdoor options, or canceling or postponing the activity.

- b. OHA recommendations. In addition to the mandatory OHA guidance described in this Executive Order, OHA may, from time to time, issue or amend non-mandatory recommendations or advisories. Such recommendations may be included in OHA guidance, or may be issued separately, but in either case will be clearly designated as recommendations, rather than requirements.
8. **Exceptions**. The settings listed below are, to the extent stated below, exempt from the requirements of this Executive Order.
- a. Higher education, K-12 schools, childcare. Higher education institutions shall continue to comply with Executive Order 20-28, including as extended or modified by further Executive Orders, and any guidance from the Higher Education Coordinating Commission. Childcare facilities shall continue to comply with 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 comply with Executive Order 20-29, including as extended or modified by further Executive Orders, and any guidance from the Department of Education or OHA. Settings governed by the Executive Orders listed above in this subparagraph 8(a) are exempt from the requirements of this Executive Order.
 - b. State executive branch buildings and operations. I delegate to the Director of the Department of Administrative Services (DAS) the authority to issue, and from time to time revise, binding guidance to help control the spread of COVID-19 in state executive branch buildings and operations. That guidance is enforceable to the same extent this Executive Order is enforceable. State executive branch buildings and operations are otherwise exempt from the requirements of this Executive Order, provided they are operating in compliance with the DAS guidance.



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- c. Local governments. Local government buildings and operations are exempt from the requirements of Paragraph 6 of this executive order (workplaces with offices in Oregon), but must otherwise comply with any applicable requirements of this Executive Order, the Risk Level Metrics, and OHA guidance issued under the authority of this Executive Order.
- d. Judicial branch, legislative branch, federal government, and tribal governments. This Executive Order, and any guidance issued under the authority of this Executive Order, does not apply to offices and buildings owned or occupied by the state legislative and judicial branches, federal government, and tribal governments, or to the governmental operations of those entities. It is my hope and expectation that these entities will continue to maintain, or adopt, evidence-based rules or guidance to govern their own buildings and operations that control the spread of COVID-19 in those settings.
- e. Licensed health care facilities and licensed residential facilities. Health care facilities and residential facilities licensed by OHA and DHS must continue to comply with licensing requirements and applicable DHS and OHA guidance. Provided that they are in compliance with licensing requirements and applicable guidance, however, these entities are exempt from the other requirements of this Executive Order.
- f. Shelters and emergency response. Emergency response activities, shelter and meal programs serving vulnerable populations, and encampments of people experiencing homelessness must comply with applicable OHA guidance specifically for shelters and emergency response activities. Provided that they are in compliance with that guidance, emergency response activities, shelter and meal programs serving vulnerable populations, and encampments of people experiencing homelessness are exempt from the other requirements of this Executive Order.



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- g. Certain employer-provided housing. Settings covered by Executive Order 20-58 shall continue to comply with that Executive Order so long as it is in effect, and are exempt from the requirements of this Executive Order.
9. **Legal Effect.** This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236 and ORS 401.035. 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.
10. **Enforcement.**
- a. This Executive Order, the Risk Level Metrics, and any guidance issued by OHA or another state agency designated by the Governor 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, which has a statutory maximum fine of \$500 per day per violation.
- b. 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, the Risk Level Metrics, 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, in particular, that any person knowingly violating this Executive Order shall, upon conviction thereof, be guilty of a Class C misdemeanor, which is punishable by up to 30 days in jail or a fine of \$1,250 or both.
- c. I direct other state agencies with regulatory enforcement authority, including but not limited to Oregon Occupational Safety and Health (Oregon OSHA) and the Oregon Liquor Control Commission, to continue their efforts to protect the lives and health of Oregonians by enforcing, under existing civil and administrative enforcement



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authorities, the directives in this Executive Order, the Risk Level Metrics, and any guidance issued by OHA or other state agencies to implement this Executive Order.

- d. I direct the Superintendent of the Oregon State Police to coordinate with law enforcement agencies throughout the state to enforce the directives of this Executive Order, the Risk Level Metrics, or any guidance issued by OHA or other state agencies to implement this Executive Order, as appropriate. It is my expectation that law enforcement agencies will primarily focus on referral to civil enforcement authorities, and will reserve criminal citations for willful and flagrant violations of this order.
- e. These enumerated enforcement mechanisms are in addition to any other private rights of action or other enforcement mechanism that may exist in statute or at common law, or under federal law.
- f. Businesses and other entities that fail to comply with the applicable requirements of this Executive Order, the Risk Level Metrics, or any guidance issued by OHA or other state agencies to implement this Executive Order, may be closed until they demonstrate compliance.

11. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Executive Order, or any guidance issued under the authority 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 or guidance issued under the authority of this Executive Order.

12. **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.



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13. **Effective Date.** This Executive Order is effective December 3, 2020 at 12:01 a.m., and remains in effect until terminated by the Governor.

Done at Salem, Oregon, this 2nd day of December, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE



ORS 433.441¹

Proclamation of public health emergency

(1) Upon the occurrence of a public health emergency, the Governor may declare a state of public health emergency as authorized by ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#) to protect the public health.

(2) A proclamation of a state of public health emergency must specify:

- (a)** The nature of the public health emergency;
- (b)** The political subdivision or geographic area subject to the proclamation;
- (c)** The conditions that have brought about the public health emergency; **and**
- (d)** The duration of the state of public health emergency, if the duration is less than 14 days.

(3) During a public health emergency, the Governor may:

- (a)** Close, order the evacuation of or the decontamination of any facility the Governor has reasonable cause to believe may endanger the public health.
- (b)** Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, medical supplies, medicines or other goods and services.
- (c)** Prescribe modes of transportation, routes and destinations required for the evacuation of individuals or the provision of emergency services.
- (d)** Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency if such actions are reasonable and necessary to respond to the public health emergency.

(e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons who are three years of age or older.

(f) Take any other action that may be necessary for the management of resources, or to protect the public during a public health emergency, including any actions authorized under ORS [401.168 \(Governor's powers during state of emergency\)](#), [401.185 \(Providing temporary housing during emergency\)](#), [401.188 \(Management of resources during emergency\)](#) and [401.192 \(Effect of rules and orders during emergency\)](#).

(4) Nothing in ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#) limits the authority of the Governor to declare a state of emergency under ORS [401.165 \(Declaration of state of emergency\)](#). If a state of emergency is declared as authorized under ORS [401.165 \(Declaration of state of emergency\)](#), the Governor may implement any action authorized by ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#).

(5) A proclamation of a state of public health emergency expires when terminated by a declaration of the Governor or no more than 14 days after the date the public health emergency is proclaimed unless the Governor expressly extends the proclamation for an additional 14-day period.

(6) When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation from the state.

ORS 431A.005¹

Definitions

As used in ORS [431A.005 \(Definitions\)](#) to [431A.020 \(Rules\)](#):

(1)"Children's facility" has the meaning given that term in ORS [433.235 \(Definitions for ORS 433.235 to 433.284\)](#).

(2)"Communicable disease" means a disease or condition, the infectious agent of which may be transmitted by any means from one person or from an animal to another person, that may result in illness, death or severe disability.

(3)"Condition of public health importance" means a disease, syndrome, symptom, injury or other threat to public health that is identifiable on an individual or community level.

(4)"Disease outbreak" means a significant or notable increase in the number of cases of a disease or other condition of public health importance.

(5)"Epidemic" means the occurrence in a community or region of a group of similar conditions of public health importance that are in excess of normal expectancy and derived from a common or propagated source.

(6)"Local public health administrator" means a local public health administrator as defined in ORS [431.003 \(Definitions\)](#) or the authorized representative of a local public health administrator.

(7)"Local public health authority" has the meaning given that term in ORS [431.003 \(Definitions\)](#).

(8)"Public health law" means any statute, rule or local ordinance that has the purpose of promoting or protecting the public health and that establishes the authority of the Oregon Health Authority, the Public Health Director, the Public

Health Officer, a local public health authority or local public health administrator to enforce the statute, rule or local ordinance.

(9)"Public health measure" means a test, medical examination, treatment, isolation, quarantine or other measure imposed on an individual or group of individuals in order to prevent the spread of or exposure to a **communicable disease**, toxic substance or transmissible agent.

(10)"**Reportable disease**" means a disease or condition, the reporting of which enables a public health authority to take action to protect or to benefit the public health.

(11)"School" has the meaning given that term in ORS [433.235 \(Definitions for ORS 433.235 to 433.284\)](#).

(12)"Specimen" means blood, sputum, urine, stool or other bodily fluids and wastes, tissues, and cultures necessary to perform required tests.

(13)"Test" means any diagnostic or investigative analyses or medical procedures that determine the presence or absence of, or exposure to, a condition of potential public health importance, or its precursor in an individual.

(14)"Toxic substance" means a substance that may cause illness, disability or death to persons who are exposed to it. [Formerly [431.260](#)]

ORS 431A.010¹

Power of Oregon Health Authority and local public health administrators to enforce **public health laws**

(1) The Oregon Health Authority and local public health administrators shall have the power to enforce public health laws. The enforcement powers authorized by this section include, but are not limited to, the authority to:

- (a) Investigate possible violations of **public health laws**;
- (b) Issue subpoenas requiring testimony or the production of physical or other evidence;
- (c) Issue administrative orders to enforce compliance with **public health laws**;
- (d) Issue a notice of violation of a **public health law** and impose a civil penalty as established by rule not to exceed \$500 a day per violation;
- (e) Enter private property at any reasonable time with consent of the owner or custodian of the property to inspect, investigate, evaluate or conduct tests, or take specimens or samples for testing, as may be reasonably necessary to determine compliance with any **public health law**;
- (f) Enter a public place to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with the provisions of any **public health law**;
- (g) Seek an administrative warrant from an appropriate court authorizing the inspection, investigation, evaluation or testing, or taking of specimens or samples for testing, if denied entry to property;
- (h) Restrict access to contaminated property;

(i) Require removal or abatement of a toxic substance on any property and prescribe the proper measures for the removal or abatement;

(j) Maintain a civil action to enforce compliance with **public health laws**, including a petition to a court for an order imposing a public health measure appropriate to the public health threat presented;

(k) Refer any possible criminal violations of **public health laws** to a district attorney or other appropriate law enforcement official; **and**

(L) Request the Attorney General to assist in the enforcement of the public health laws.

(2) Any administrative actions undertaken by the state under this section shall comply with the provisions of ORS chapter 183.

(3) State and local law enforcement officials, to the extent resources are available, must assist the Oregon Health Authority and local public health administrators in ensuring compliance with administrative or judicial orders issued pursuant to this section.

(4) Nothing in this section shall be construed to limit any other enforcement authority granted by law to a local public health authority or to the state.

[Formerly [431.262](#)]

ORS 659A.006¹

Declaration of policy against unlawful discrimination

(1) It is declared to be the public policy of Oregon that practices of unlawful discrimination against any of its inhabitants because of race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status are a matter of state concern and that this discrimination not only threatens the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.

(2) The opportunity to obtain employment or housing or to use and enjoy places of public accommodation without unlawful discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability hereby is recognized as and declared to be a civil right.

(3) It is not an unlawful practice for a bona fide church or other religious institution to take any action with respect to housing or the use of facilities based on a bona fide religious belief about sexual orientation as long as the housing or the use of facilities is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(4) It is not an unlawful employment practice for a bona fide church or other religious institution, including but not limited to a school, hospital or church camp, to prefer an employee, or an applicant for employment, of one religious sect or persuasion over another if:

(a) The religious sect or persuasion to which the employee or applicant belongs is the same as that of the church or institution;

(b) In the opinion of the church or institution, the preference will best serve the purposes of the church or institution; **and**

(c)The employment involved is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

(5)It is not an unlawful employment practice for a bona fide church or other religious institution to take any employment action based on a bona fide religious belief about sexual orientation:

(a)In employment positions directly related to the operation of a church or other place of worship, such as clergy, religious instructors and support staff;

(b)In employment positions in a nonprofit religious school, nonprofit religious camp, nonprofit religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, nonprofit religious radio station or nonprofit religious shelter; **or**

(c)In other employment positions that involve religious activities, as long as the employment involved is closely connected with or related to the primary purposes of the church or institution and is not connected with a commercial or business activity that has no necessary relationship to the church or institution.

[Formerly [659.020](#); 2007 c.100 §3; 2007 c.903 §2]

¹ Legislative Counsel Committee, *CHAPTER 659A—Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement*, https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html (2019) (last accessed May 16, 2020).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2019, Chapter 659A*, https://www.oregonlegislature.gov/bills_laws/ors/ano659A.html (2019) (last accessed May 16, 2020).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent. [Currency Information](#)

ORS 659A.403¹

Discrimination in place of public accommodation prohibited

(1) Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is of age, as described in this section, or older.

(2) Subsection (1) of this section does not prohibit:

(a) The enforcement of laws governing the consumption of alcoholic beverages by minors and the frequenting by minors of places of public accommodation where alcoholic beverages are served;

(b) The enforcement of laws governing the use of marijuana items, as defined in ORS [475B.015 \(Definitions for ORS 475B.010 to 475B.545\)](#), by persons under 21 years of age and the frequenting by persons under 21 years of age of places of public accommodation where marijuana items are sold; **or**

(c) The offering of special rates or services to persons 50 years of age or older.

(3) It is an unlawful practice for any person to deny full and equal accommodations, advantages, facilities and privileges of any place of public accommodation in violation of this section. [Formerly [30.670](#); 2003 c.521 §1; 2005 c.131 §1; 2007 c.100 §5; 2015 c.614 §27]

¹ Legislative Counsel Committee, *CHAPTER 659A—Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement*, https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html (2019) (last accessed May 16, 2020).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2019, Chapter 659A*, https://www.oregonlegislature.gov/bills_laws/ors/ano659A.html (2019) (last accessed May 16, 2020).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent. [Currency Information](#)

ORS 163.275¹

Coercion

(1) A person commits the crime of coercion when the person compels or induces another person to engage in conduct from which the other person has a legal right to abstain, or to abstain from engaging in conduct in which the other person has a legal right to engage, by means of instilling in the other person a fear that, if the other person refrains from the conduct compelled or induced or engages in conduct contrary to the compulsion or inducement, the actor or another will:

(a) Unlawfully cause physical injury to some person; (Masks pose serious health risks to the healthy)

(b) Unlawfully cause physical injury to some animal;

(c) Unlawfully cause damage to property;

(d) Engage in conduct constituting a crime;

(e) Falsely accuse some person of a crime or cause criminal charges to be instituted against the person;

(f) Cause or continue a strike, boycott or other collective action injurious to some person's business, except that such a threat is not deemed coercive when the act or omission compelled is for the benefit of the group in whose interest the actor purports to act;

(g) Testify falsely or provide false information or withhold testimony or information with respect to another's legal claim or defense; **or**

(h) Unlawfully use or abuse the person's position as a public servant by performing some act within or related to official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.

(2)Coercion is a Class C felony. [1971 c.743 §102; 1983 c.546 §4; 1985 c.338 §1; 2007 c.71 §45; 2015 c.751 §1]

¹ Legislative Counsel Committee, *CHAPTER 163—Offenses Against Persons*, https://www.oregonlegislature.gov/bills_laws/ors/ors163.html (2019) (last accessed May 16, 2020).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2019, Chapter 163*, https://www.oregonlegislature.gov/bills_laws/ors/ano163.html (2019) (last accessed May 16, 2020).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent. [Currency Information](#)

ORS 183.335¹

Notice

(1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action:

(a) In the manner established by rule adopted by the agency under ORS [183.341 \(Model rules of procedure\)](#) (4), which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) at least 21 days prior to the effective date;

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (8) of this section; **and**

(d) Delivered only by electronic mail, at least 49 days before the effective date, to the persons specified in subsection (15) of this section.

(2)(a) The notice required by subsection (1) of this section must include:

(A) A caption of not more than 15 words that reasonably identifies the subject matter of the agency's intended action. The agency shall include the caption on each separate notice, statement, certificate or other similar document related to the intended action.

(B) An objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The agency shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A citation of the statute or other law the rule is intended to implement;

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(D) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(E) A statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected. For an agency specified in ORS [183.530 \(Housing cost impact statement required for certain proposed rules\)](#), the statement of fiscal impact shall also include a housing cost impact statement as described in ORS [183.534 \(Housing cost impact statement described\)](#);

(F) If an advisory committee is not appointed under the provisions of ORS [183.333 \(Policy statement\)](#), an explanation as to why no advisory committee was used to assist the agency in drafting the rule; **and**

(G)A request for public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

(c)The Secretary of State may omit the information submitted under paragraph (b) of this subsection from publication in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#).

(d)When providing notice of an intended action under subsection (1)(c) of this section, the agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall show all changes to the rule by striking through material to be deleted and underlining all new material, or by any other method that clearly shows all new and deleted material.

(3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the persons specified in subsection (15) of this section. The agency shall publish notice of the hearing in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) at least 14 days before the hearing. The agency shall consider fully any written or oral submission.

(b)If an agency is required to conduct an oral hearing under paragraph (a) of this subsection, and the rule for which the hearing is to be conducted applies only to a limited geographical area within this state, or affects only a limited geographical area within this state, the hearing shall be conducted within the geographical area

at the place most convenient for the majority of the residents within the geographical area. At least 14 days before a hearing conducted under this paragraph, the agency shall publish notice of the hearing in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) and in a newspaper of general circulation published within the geographical area that is affected by the rule or to which the rule applies. If a newspaper of general circulation is not published within the geographical area that is affected by the rule or to which the rule applies, the publication shall be made in the newspaper of general circulation published closest to the geographical area.

(c)Notwithstanding paragraph (a) of this subsection, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may adopt rules limiting participation by adults in custody in the proposed adoption, amendment or repeal of any rule to written submissions.

(d)If requested by at least five persons before the earliest date that the rule could become effective after the agency gives notice pursuant to subsection (1) of this section, the agency shall provide a statement that identifies the objective of the rule and a statement of how the agency will subsequently determine whether the rule is in fact accomplishing that objective.

(e)An agency that receives data or views concerning proposed rules from interested persons shall maintain a record of the data or views submitted. The record shall contain:

(A)All written materials submitted to an agency in response to a notice of intent to adopt, amend or repeal a rule.

(B)A recording or summary of oral submissions received at hearings held for the purpose of receiving those submissions.

(C) Any public comment received in response to the request made under subsection (2)(b)(G) of this section and the agency's response to that comment.

(D) Any statements provided by the agency under paragraph (d) of this subsection.

(4) Upon request of an interested person received before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section, the agency shall postpone the date of its intended action no less than 21 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; **and**

(e)For an agency specified in ORS [183.530 \(Housing cost impact statement required for certain proposed rules\)](#), a housing cost impact statement as defined in ORS [183.534 \(Housing cost impact statement described\)](#).

(6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(b)A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed under subsections (1) to (4) of this section.

(7)Notwithstanding subsections (1) to (4) of this section, an agency may amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(a)Changing the name of an agency by reason of a name change prescribed by law;

(b)Changing the name of a program, office or division within an agency as long as the change in name does not have a substantive effect on the functions of the program, office or division;

(c)Correcting spelling;

(d)Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

(e)Correcting statutory or rule references; **or**

(f)Correcting addresses or telephone numbers referred to in the rules.

(8)(a) Any person may request in writing that an agency send to the person copies of the agency's notices of intended action issued under subsection (1) of this section. The person must provide an address where the person elects to receive notices. The

address provided may be a postal mailing address or, if the agency provides notice by electronic mail, may be an electronic mailing address.

(b)A request under this subsection must indicate that the person requests one of the following:

(A)The person may request that the agency mail paper copies of the proposed rule and other information required by subsection (2) of this section to the postal mailing address.

(B)If the agency posts notices of intended action on a website, the person may request that the agency mail the information required by subsection (2)(a) of this section to the postal mailing address with a reference to the website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(C)The person may request that the agency electronically mail the information required by subsection (2)(a) of this section to the electronic mailing address, and either provide electronic copies of the proposed rule and other information required by subsection (2) of this section or provide a reference to a website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(c)Upon receipt of any request under this subsection, the agency shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. Agencies may establish procedures for establishing the mailing lists and keeping the mailing lists current. Agencies by rule may establish fees necessary to defray the costs of mailings and maintenance of the lists.

(d)Members of the Legislative Assembly who receive notices under subsection (15) of this section may request that an agency furnish paper copies of the notices.

(9) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(10) This section does not apply to ORS [279.835 \(Definitions for ORS 279.835 to 279.855\)](#) to [279.855 \(Entities that may obtain goods and services through Oregon Department of Administrative Services\)](#), [279A.140 \(State procurement of goods and services\)](#) to [279A.161 \(Review and verification of advice and recommendations concerning procurements\)](#), [279A.250 \(Definitions for ORS 279A.250 to 279A.290\)](#) to [279A.290 \(Miscellaneous receipts accounts\)](#), [279A.990 \(Penalties\)](#), [279B.050 \(Methods of source selection\)](#) to [279B.085 \(Special procurements\)](#), [279B.200 \(Definitions for ORS 279B.200 to 279B.240\)](#) to [279B.240 \(Exclusion of recycled oils prohibited\)](#), [279B.270 \(State contracting agencies to use recovered resources and recycled materials\)](#), [279B.275 \(Purchase of goods containing recycled polyethylene material\)](#), [279B.280 \(Use of recycled products when economically feasible\)](#), [279C.360 \(Requirement for public improvement advertisements\)](#), [279C.365 \(Requirements for solicitation documents and bids and proposals\)](#), [279C.370 \(First-tier subcontractor disclosure\)](#), [279C.375 \(Award and execution of contract\)](#), [279C.380 \(Performance bond\)](#), [279C.385 \(Return or retention of bid security\)](#), [279C.500 \("Person" defined\)](#) to [279C.530 \(Condition concerning payment for medical care and providing workers' compensation\)](#), [279C.540 \(Maximum hours of labor on public contracts\)](#), [279C.545 \(Time limitation on claim for overtime\)](#), [279C.550 \("Retainage" defined\)](#) to [279C.570 \(Prompt payment policy\)](#), [279C.580 \(Contractor's relations with subcontractors\)](#), [279C.585 \(Authority to substitute undisclosed first-tier subcontractor\)](#), [279C.590 \(Complaint process for substitutions of subcontractors\)](#), [279C.600 \(Right of action on payment bond or public works bond of contractor or subcontractor\)](#) to [279C.625 \(Joint liability when payment](#)

bond not executed), 279C.650 (“Labor dispute” defined) to 279C.670 (Application of ORS 279C.650 to 279C.670) and 279C.800 (Definitions for ORS 279C.800 to 279C.870) to 279C.870 (Civil action to enforce payment of prevailing rates of wage) relating to public contracts and purchasing.

(11)(a) Except as provided in paragraph (c) of this subsection, a rule is not valid unless adopted in substantial compliance with the provisions of this section in effect on the date that the notice required under subsection (1) of this section is delivered to the Secretary of State for the purpose of publication in the bulletin referred to in ORS 183.360 (Publication of rules and orders).

(b)In addition to all other requirements with which rule adoptions must comply, a rule other than a rule amended for a purpose described in subsection (7) of this section is not valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS 183.355 (Filing and taking effect of rules) and 183.715 (Submission of adopted rule to Legislative Counsel required).

(c)A rule is not subject to judicial review or other challenge by reason of failing to comply with subsection (2)(a)(A) of this section.

(12)(a) Notwithstanding the provisions of subsection (11) of this section, but subject to paragraph (b) of this subsection, an agency may correct its failure to substantially comply with the requirements of subsections (2) and (5) of this section in adoption of a rule by an amended filing, as long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule.

(b)An agency may use an amended filing to correct a failure to include a fiscal impact statement in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with the assistance of an advisory

committee or fiscal impact advisory committee appointed under
ORS [183.333 \(Policy statement\)](#).

(13) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(14) When an agency has established a deadline for comment on a proposed rule under the provisions of subsection (3)(a) of this section, the agency may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed.

(15) The notices required under subsections (1) and (3) of this section must be given by the agency to the following persons:

(a) If the proposed adoption, amendment or repeal results from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the legislator who introduced the bill that subsequently was enacted into law, and to the chair or cochair of all committees that reported the bill out, except for those committees whose sole action on the bill was referral to another committee.

(b) If the proposed adoption, amendment or repeal does not result from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the chair or cochair of any interim or session committee with authority over the subject matter of the rule.

(c) If notice cannot be given under paragraph (a) or (b) of this subsection, notice shall be given to the Speaker of the House of Representatives and to the President of the Senate who are in office on the date the notice is given.

(16)(a) Upon the request of a member of the Legislative Assembly or of a person who would be affected by a proposed adoption, amendment or repeal, the committees

receiving notice under subsection (15) of this section shall review the proposed adoption, amendment or repeal for compliance with the legislation from which the proposed adoption, amendment or repeal results.

(b)The committees shall submit their comments on the proposed adoption, amendment or repeal to the agency proposing the adoption, amendment or repeal. [1971 c.734 §3; 1973 c.612 §1; 1975 c.136 §11; 1975 c.759 §4; 1977 c.161 §1; 1977 c.344 §6; 1977 c.394 §1a; 1977 c.798 §2; 1979 c.593 §11; 1981 c.755 §2; 1987 c.861 §2; 1993 c.729 §3; 1995 c.652 §5; 1997 c.602 §3; 1999 c.123 §1; 1999 c.334 §1; 2001 c.220 §1; 2001 c.563 §1; 2003 c.749 §5; 2003 c.794 §206; 2005 c.17 §1; 2005 c.18 §1; 2005 c.382 §1; 2005 c.807 §5; 2007 c.115 §1; 2007 c.768 §58; 2011 c.380 §2; 2017 c.518 §2; 2019 c.213 §126]

¹ Legislative Counsel Committee, *CHAPTER 183—Administrative Procedures Act; Review of Rules; Civil Penalties*, https://www.oregonlegislature.gov/bills_laws/ors/ors183.html (2019) (last accessed May 16, 2020).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2019, Chapter 183*, https://www.oregonlegislature.gov/bills_laws/ors/ano183.html (2019) (last accessed May 16, 2020).

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CIRCUIT COURT OF OREGON
Eighth Judicial District

Baker County Courthouse
1903 7th Street, Suite 200
Baker City, OR 97614
(503) 325-6000

Matthew B. Shurtliff, Circuit Judge
Elaine A. Callaway, Trial Court Administrator
FAX (503) 323-9139

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May 18, 2020

Ray Hacke
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Salem, OR 97305

Marc Abrams and Christina Beatty-Walters
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201

Kevin Mannix
2009 State St.
Salem, OR 97301

Re: Opinion on Temporary Injunctive Relief
Elkhorn Baptist Church, et al v. Katherine Brown Governor of the State of Oregon
Case # 20CV17482

Dear Mr. Hacke, Mr. Abrams, Ms. Beatty-Walters, and Mr. Mannix:

This matter came before the court on May 14, 2020, on Plaintiffs' Motion for Temporary Injunctive Relief Pursuant to ORCP 79 and Defendant's Motion to Dismiss. The Plaintiffs were represented by Ray Hacke. The Defendant, Governor Brown, was represented by Marc Abrams and Christina Beatty-Walters. Kevin Mannix also appeared after filing for intervenor status pursuant to ORCP 33 on behalf of additional plaintiffs. Intervenor status was granted after Mr. Abrams, on behalf of the Governor, did not object to the intervenor status of the additional plaintiffs.

On March 8, 2020, in response to the Covid-19 pandemic, Governor Brown declared a state of emergency pursuant to ORS 401.165. She implemented Executive Order 20-03. Governor Brown implemented Executive Orders 20-03 through 20-25 between March 8 and May 14, 2020.

The Governor has multiple "tools" (as described by counsel for the governor) at her disposal in implementing emergency orders for the State of Oregon. These include ORS 401.165 Declaration of State of Emergency, ORS 433.441 (which include ORS 433.441 through 433.452) Proclamation of Public Health Emergency, and Article X-A of the Oregon Constitution dealing with Catastrophic Disasters.

Governor Brown chose to declare a state of emergency pursuant to ORS 401.165. On March 8, 2020, Governor Brown also utilized provisions of ORS 433.441 in her original executive order (see Executive Order 20-03 sec 1, and 3.) and later orders.

Each of these provisions of Oregon law grant the Governor certain powers and limitations during times of emergencies.

ORS 401.165

This statute allows the Governor to declare a state of emergency within geographical regions of the state or throughout the whole state. It also gives her complete authority over all executive agencies of state government and full constitutional police powers. It authorizes her to direct agencies in the state government through this provision. Other aspects of the statute provide the Governor with control over emergency operations, the power to close roads and highways, and otherwise manage emergency response. This statute has no expiration clause other than upon declaration of the Governor or legislative assembly. The limitations are only in the statutory scope of authority given to the Governor. This statute was passed into law in 1949.

ORS 433.441 to 433.452

This statutory provision allows the Governor to declare a state of public health emergency. Although there are multiple definitions that can trigger a public health emergency, one that the coronavirus clearly meets is contained in ORS 433.442 (4)(a)(B) – (4) "an occurrence or imminent threat of an illness or health condition that: (a) is believed to be caused by any of the following: (B) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin that may be highly contagious." This statute carries additional powers than given in ORS 401.165, including those contained in ORS 433.441 (3)(d) granting the Governor the power to "Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency and necessary to respond to the public health emergency." These provisions give the Public Health Director specific powers when authorized by the Governor. ORS 433.452 allows the Public Health Director or Local Public Health Administrator to detain an individual when the director or administrator reasonably believes a person within their jurisdiction may have been exposed to a communicable disease identified by rule of the Oregon Health Authority to be a reportable disease or condition that is the basis for the public health emergency.

This statute provides these additional powers to the Governor in a specific public health emergency. It also states in section (4) that:

"Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state of emergency under ORS 401.365. If a state of emergency is declared as authorized under 401.365, the Governor may implement any action authorized by ORS 433.441 to 433.452."

The limitations to ORS 433.441 are given in Section (5) of this provision which states:

"A proclamation of state of public health emergency expires when terminated by a declaration of the Governor of no more than 14 days after the date the public health emergency is proclaimed unless the Governor expressly extends the proclamation for an additional 14-day period."

ARTICLE X-A OF THE OREGON CONSTITUTION

This provision of the Oregon Constitution was added in 2012 after the voters of Oregon passed it through a ballot measure. It gives the Governor discretion to invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. One of the definitions of a catastrophic disaster is a Public Health Emergency. It also defines a catastrophic disaster (including a public health emergency) as a natural or human-caused event that: (a) results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and (b) severely affects the population, infrastructure, environment, economy or government functioning in the state.

Clearly the coronavirus pandemic fits this definition. This provision of our Constitution gives the Governor the option and the authority to convene the legislature and allows for certain procedural voting changes in light of the catastrophic event. These include sections allowing the legislature to convene in a place other than the capitol, voting procedures for two thirds of those legislators who constitute a quorum, and allowing attendance through electronic means. Section six of Article X-A limits the time frame allowed for the Governor to exercise extraordinary powers in the case of a catastrophic disaster. Section six provided that the actions taken by the governor once invoked, shall cease to be operative not later than 30 days following the date the Governor invoked the provisions of sections 1 to 5 of the article, or on a date recommended by the Governor and determined by the legislative assembly. This constitutional provision does allow an extension when the legislative assembly extends the Governor's extraordinary powers beyond the 30-day limit upon approval of three-fifths of the members of each house who are able to attend a session described in the Article.

STATUTORY AND CONSTITUTIONAL PROVISIONS

These two statutory provisions and Article X-A of the Oregon Constitution carry with them certain powers for the Governor and certain restrictions. The general provisions of ORS

401.165 have allowed Governors since 1949 to direct state resources in times of emergencies. This is the most expansive statute of the three laws and has the least restrictions, especially as to the time limitation of the emergency declaration. However, the statute does not grant the Governor power directly over the movement of citizens and gatherings. ORS 433.441 and its various provisions gives the Governor additional and more specific powers to control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public emergency in specific times of public health emergencies. See ORS 433.441(3)(d). This statute gives the Governor power over the movement and gathering of citizens. Reference to provisions of ORS 433.441 through 433.452 and more specifically ORS 433.441(3)(d) are found throughout the Governor's various executive orders. ORS 433.441(3)(d) is specifically cited in areas where the Governor has ordered that business and retail establishments are prohibited from operating. See Executive Order No. 20-12 p. 4 sec. 2 Closure of Certain Business and p. 3 sec. 1 Stay Home and Save Lives regulating non-essential social and recreational gatherings, which would include churches. Additionally, ORS 433.452 gives the Public Health Director or the Local Public Health Administrator the power to detain individuals that the director or administrator reasonably believes may have been exposed to the virus.

When granting this additional power over the movement and gatherings of citizens, the legislature saw fit to add additional time restrictions. Those time restrictions contained in section (5) of that provision only allow the Governor to extend the emergency declaration for 14 additional days from the original 14-day period. This provision makes the maximum time restriction to be 28 days by operation of law. The Governor in her original executive order 20-3 set her executive order to 60 days. This is well beyond the maximum 28-days allowed by ORS 433.441. This court finds that when the Governor utilized the provisions of ORS 433.441 in her executive order, she triggered all the provisions of ORS 433.441 including the time restrictions in ORS 433.441(5). By doing so, the executive order became null and void beyond the maximum 28-day time period allowed by the statute. Moreover, by not complying with ORS 433.441(5) timelines, the Governor's subsequent Executive Orders 20-05 through 20-25 are also null and void. (see Executive Order 20-12 extended until terminated by the Governor; Executive Order 20-24 extended for an additional 60-days; Executive Order 20-25 extended until terminated by the Governor as examples of extensions beyond 28 days).

The statutes are to be read to work together with the more specific statute governing. "Where there is a conflict between two statutes, both of which would otherwise have full force and effect, and the provisions of one are particular, special and specific in their directions, and the other are general in their terms, the specific provisions must prevail over the general provisions." *Colby v. Larson*, 208 Or 121 (1956). ORS 401.165 and ORS 433.441 are in conflict over the length of time the Governor's orders last. ORS 433.441, enacted in 2007, is the more specific statute and relates directly to public health emergencies. It is the more specific statute pertaining to the restriction of citizens in the Governor's executive orders and also carries restrictions in time that the legislature saw fit to impose. Once the Governor began utilizing the specific provisions of ORS 433.441(3)(d) in Executive Order 20-12, the rights of citizens to assemble and operate their business became significantly curtailed, thereby ensuring the need

for further justification and the statutory limitations in time which create a check on this additional power of the Governor. Although ORS 433.441(4) indicates that nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state of emergency under ORS 401.165, it also does not suspend the time limitations of section (5).

This court finds that the Governor was not required to invoke the provisions of Article X-A of the Oregon Constitution. Article X-A clearly states that the Governor has discretion to implement the constitutional provisions because the Governor “may invoke the provisions of this article.” See Article X-A, Section 1(3). However, because the Governor implemented statutory provisions, she is bound by them. Thus, once the maximum 28-day time provisions of ORS 433.441(5) expired, the Governor’s Executive Order and all other orders were rendered null and void.

STANDARD OF REVIEW FOR PRELIMINARY INJUNCTION

In order to obtain a preliminary injunction, the plaintiffs must demonstrate that (1) they are likely to succeed on the merits, (2) that they are likely to suffer irreparable harm in the absence of a preliminary injunction, (3) that the balance of equities tips in their favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def Council, Inc.* 555 U.S. 7, 20 (2008).

SUCCESS ON THE MERITS

The Plaintiffs have demonstrated that the Governor was beyond her statutory authority in ORS 433.441 when she exceeded the ORS 433.441(5) timelines required pursuant to a public health proclamation. This court finds that once the provisions of ORS 433.441 were triggered, especially including the provisions of section (3)(d) relating to the Governor’s powers to restrict the movement of citizens, the time limitations of section (5) are required. Based on these provisions this court finds the Plaintiffs’ likelihood of success on the merits is high.

IRREPARABLE HARM

The United States Supreme Court has recognized that “the loss of freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347 (1976). Plaintiffs have alleged that without the preliminary injunction, their freedom of religion will be infringed because they will be prevented from gathering for worship at their churches, including this next Sunday and thereafter. Moreover, many intervenor plaintiffs have provided affidavits indicating that with the current restrictions in the Governor’s orders they are unable to maintain their businesses and provide for their families. This court finds that the Plaintiffs have made a sufficient showing of irreparable harm.

BALANCE OF EQUITIES TIPS IN THEIR FAVOR

Plaintiffs have shown that they will be harmed by a deprivation of the constitutional right to freely exercise their religion. Other Plaintiffs have also shown great economic harm to their

businesses and their ability to seek a livelihood. Indeed, criminal penalties can be imposed if they violate current restrictions that are in place. This court understands that the current pandemic creates an unprecedented crisis in our state as well as in this country. The Governor has an enormous responsibility to protect the lives of the citizens of our state balanced against the citizens' constitutional rights to freedom of religion which includes how he or she chooses to worship. The Governor's orders are not required for public safety when Plaintiffs can continue to utilize social distancing and safety protocols at larger gatherings involving spiritual worship, just as grocery stores and businesses deemed essential by the Governor have been authorized to do. This court finds that based on these factors the balance of equities tips in favor of Plaintiffs.

INJUNCTION IS IN THE PUBLIC INTEREST

The public interest is furthered by allowing people to fully exercise their right to worship and conduct their business. Additionally, the utilization of social distancing protocols without additional restrictions is in the public interest to restore individual liberties and the ability to restore economic viability in our communities.

Based on this opinion, Plaintiffs' Motion for Preliminary Injunctive Relief is granted. Defendant's Motion to Dismiss is denied. The court is not awarding attorney fees.

The court has prepared the order in conformance with this opinion.

Truly yours,



Matthew B. Shiff
Circuit Judge

STATE OF OREGON)
)
County of Baker)

CERTIFICATE OF MAILING

I, Amy Swiger, Judicial Assistant, for the Eighth Judicial District, Oregon, hereby certify that the foregoing was emailed to the parties herein below named:

Case No. 20CV17482

Opinion

Ray Hacke, attorney for plaintiffs
Kevin Mannix, attorney for intervenor-plaintiffs
Marc Abrams, Assistant Attorney General
Christina Beatty-Walters, Assistant Attorney General

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tina.beattywalters@dcj.state.or.us

Dated at Baker City, Oregon this 18th day of May, 2020.



Judicial Assistant



I hereby certify that the foregoing is a true and correct copy of the original in its entirety.

Dated this 18th day of May, 2020.

Judicial Assistant

LEGAL NOTICE

To the Person Currently in Charge of this Establishment

There is no statutory law that requires you, your employees, or your customers to wear a mask, get their temperature taken or stay six feet apart.

There is no law that requires you to serve your customers outside or reduce the number of people in your business establishment.

In fact, if you require your customers to wear a mask or restrict their movement or entry if they are not wearing a mask, **you are at risk for violating several federal and state laws.**

Any violation of the following laws WILL BE REPORTED to the appropriate authorities. As the person responsible for this establishment, **YOU PERSONALLY** will be at risk for fines and imprisonment upon conviction of these crimes:

U.S. FEDERAL LAWS

1. U.S. Constitution, 1st Amendment, Right to Assemble, Right to Freedom of Speech, Right to Religious Expression

Requiring someone to wear a mask as a condition to assemble in your place of public accommodation is an infringement of the right protected under the U.S. Constitution, the highest law of the land. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

2. U.S. Constitution, 4th Amendment, Right to Privacy

Forcing a person to wear a mask without their consent is a violation of the 4th Amendment. Further, gathering vital statistics such as taking one's temperature is a violation of a person's right to privacy. Violation of this protection will result in your actions being reported to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

3. U.S. Title 52, Civil Rights Act of 1964: Unlawful to Discriminate in place of Public Accommodations

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability, or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone based on their skin color, you may not deny entry to someone based on their bare face.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

4. U.S. Title 42, Section 12101: Unlawful to Deny Entry to Persons with Disability or perceived medical condition (ADA)

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

5. U.S. Americans with Disabilities Act: Unlawful to Deny Entry to Persons with Disability or perceived medical condition

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.



OREGON STATE LAWS

1. Oregon Constitution, Article 1, Section 1

Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

Therefore, attempting to deny a customer from acquiring property by shopping at your business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties.

2. Oregon Constitution, Article 1, Section 8

Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

Every person may freely speak. A law may not restrain or abridge livery of speech. (Muzzling one's face with a muzzle does not allow for one to freely speak, and it abridges freedom of speech.) Therefore, denying entry due to a person not wearing a mask is a violation of the Oregon Constitution,

3. Oregon Constitution, Article 1, Section 2 & 3

Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.

Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions, or interfere with the rights of conscience

Free exercise and enjoyment of religious expression without discrimination. If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.

4. 2020 Oregon Revised Statutes 677.080 & 677.090 (2): Practicing medicine without a license

Any person who practices medicine without being licensed under this chapter as prohibited in ORS [677.080 \(Prohibited acts\)](#) (4) commits a Class C felony. Class C felonies are punishable by a maximum of five years in prison, \$125,000, or both.

Requiring someone to wear a mask is a medical intervention. Unless you are a licensed medical professional, you have no authority to recommend such a practice. Further, a surgical mask is designated by the FDA as a "medical device". You have no legal authority responsibility or liability to require that of either your customers or your employees.

No “emergency order” supersedes established law. Any “health order” related to mask-wearing is unlawful and unenforceable by law.

5. 2020 Oregon Revised Statutes 162.367 (1): Impersonating a peace officer

A person commits the crime of criminal impersonation of a peace officer if the person, with the intent to obtain a benefit or to injure or defraud another person, uses false law enforcement identification or wears a law enforcement uniform to give the impression that the person is a peace officer and does an act in that assumed character.

You are not a law enforcement officer and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under 2020 Oregon Revised Statutes 162.367 (2) and carries the penalty of up to five years in prison, \$125,000 fine, or both. You will be reported to authorities for this violation.

6. 2020 Oregon Revised Statutes 659A.403 (1): Free and Equal Access to Public Accommodations

Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is of age, as described in this section, or older.

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition, disability, or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. Just as you would not be able to deny entry to someone wearing a turban, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

A claim may be pursued through Department of Fair and Employment and Housing (DFEH) or a private lawsuit. If a business engages in a pattern or practice of discrimination, you can refer the

matter to the Attorney General or to your local district or city attorney may bring an action to enjoin any violation of Oregon's Statutes 659A.403

7. 2020 Oregon Revised Statutes 659A.103: Individuals with disabilities have the same rights as others

It is declared to be the public policy of Oregon to guarantee individuals the fullest possible participation in the social and economic life of the state, to engage in remunerative employment, to use and enjoy places of public accommodation, resort or amusement, to participate in and receive the benefits of the services, programs and activities of state government and to secure housing accommodations of their choice, without discrimination on the basis of disability.

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places. Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

A claim may be pursued through DFEH, or a private lawsuit. The ADA also handles these complaints - call (800) 514-0301

8. 2020 Oregon Revised Statutes 659A.142 (4): The disabled have full and equal access

It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS [659A.400 \(Place of public accommodation defined\)](#), or any person acting on behalf of such place, to make any distinction, discrimination or restriction because a customer or patron is an individual with a disability.

Individuals with disabilities or medical conditions have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes

of transportation private schools, hotels, **hospitals** and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney's fees.

A claim may be pursued through DFEH, or a private lawsuit. The Attorney General, the Department of Rehabilitation, or the district city attorney may bring an action to enjoin any violation of ORS 659A.142 (4)

9. Oregon Bureau of Labor and Industries Code 839-005-0000 Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action of that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, disability, marital status or national origin.

10. 2020 Oregon Revised Statutes 163.264, Involuntary servitude in the first degree

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes INVOLUNTARY SERVITUDE, which is a Class B felony, with the penalty of up to 10 years in jail, a fine of up to \$250,000, or both. If you deny someone's entry to your place of public accommodation based on their medical condition or religious beliefs, you are at risk for charged with involuntary servitude.

11. 2020 Oregon Revised Statutes 166.025: Disorderly conduct in the second degree

(1)A person commits the crime of disorderly conduct in the second degree if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

(a)Engages in fighting or in violent, tumultuous, or threatening behavior;

(b)Makes unreasonable noise;

(c)Disturbs any lawful assembly of persons without lawful authority;

- (d)Obstructs vehicular or pedestrian traffic on a public way;
- (e)Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
- (f)Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

Disorderly conduct in the second degree is a Class B misdemeanor and punishable by up to six months in jail, a fine up to \$2,500, or both.

14. 2020 Oregon Revised Statutes 166.165: Bias crime in the first degree

A bias crime in the first degree is a Class C felony and is punishable by up to 5 years in prison, a fine of up to \$125,000, or both. If you aggressively seek to harass or intimidate someone with the threat of violence, you could be in violation of ORS 166.165, bias crime. A person commits a bias crime in the first degree if the person:

- (a)Intentionally, knowingly, or recklessly causes physical injury to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin;
- (b)With criminal negligence causes physical injury to another person by means of a deadly weapon because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin; or
- (c)Intentionally, because of the person's perception of another person's race, color, religion, gender identity, sexual orientation, disability, or national origin, places another person in fear of imminent serious physical injury.

15. 2020 Oregon Revised Statutes 162.325 (1c): Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

NOTE: NO STORE POLICY MAY VIOLATE ESTABLISHED LAW

Just as your place of business may not institute “Fist-fight Fridays” or encourage customers to engage in pickpocketing or require someone to snort a line of cocaine as a condition of entry, your “store policy” may not violate the established laws set forth in this notice.

No claim of an “emergency” or “executive orders” or “health orders” or “city ordinances” excuses you from violating the laws set forth in this notice.

Further, as a place of public accommodation (even as a private business) you have extended an irrevocable license (privilege) to the public to enter your establishment and you may not deny entry based on race, religion, disability or other protected characteristics.

THUS: By denying entry to a customer who is not wearing a mask for either medical or religious reasons, YOU ARE IN VIOLATION of at least five federal laws and 15 Oregon state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

Oregon Constitution Article 1, sections 1, 2, 3, 8

ORS 677.080, ORS 677.090, ORS 162.367 (1)

ORS 659A.403 (1), ORS 659A.103, ORS 659A.142 (4)

Oregon Bureau of Labor and Industries Code 839-005-0000

ORS 163.264, ORS 166.025, ORS 166.165

ORS 162.325 (1c)

YOU ARE HEREBY NOTIFIED of a potential CITIZEN'S ARREST for violations of the above laws, under 2020 Oregon Revised Statutes 133.225, which authorizes a private person to make a citizen's arrest in Oregon.

Under the authority of 2020 Oregon Revised Statutes 133.225, a private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer.

THEREFORE, you and your employees have hereby been PUT ON NOTICE of potential civil and criminal violations of unlawfully preventing the lawful entry of any member of the public.

YOU ARE AT RISK FOR A CITIZEN'S ARREST, AS AUTHORIZED UNDER OREGON REVISED STATUTE 133.225, WITH LAW ENFORCEMENT BEING SUMMONED FOR YOUR VIOLATIONS OF THE ABOVE LAWS. INITIAL _____.

HOW TO MAKE A CITIZEN'S ARREST IN OREGON:

1. First, CALL 911 to report a crime in progress.
2. Inform the perpetrator of the intended arrest, using the following language
 - a) "You are hereby informed of my attention to place you under citizen's arrest."
 - b) "You have willfully and knowingly violated these laws: (read off the list of violations as applicable)"
 - c) "My authority to arrest you is granted by 2020 Oregon Revised Statutes 133.225"
 - d) "I have called law enforcement to the scene"
 - e) "I am requesting your cooperation until law enforcement arrives".
 - f) "If you refuse to cooperate or attempt to flee the scene, I have the right to use reasonable force to detain you."
 - g) "The law allows for you to be kept out of harm's way in a secluded location until law enforcement arrives."

Prepared by www.THEHEALTHYAMERICAN.ORG in association with
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ONLY. DO NOT EMBED

FACT SHEET

OSHA REGULATIONS, HEALTH ORDERS AND YOUR BUSINESS

OSHA can only issue a citation for a violation that is "on the books". That means a rule or regulation that has been passed through a lawmaking procedure.

FACT 1: There is no OSHA regulation "on the books" regarding masks, distancing or operating a business outdoors, or suspending the operation of a business. That means you as a business owner, employee or patron do not have to wear a mask or distance. Business owners do not have to abide by guidelines that are not enforceable by law.

FACT 2: Guidelines are not laws. Playbooks are not laws. Blueprints are not laws. The only thing that is a law is a law, that is codified (it has a number associated with it and it is compiled into the state statutes and codes) and that was passed lawfully in a lawmaking procedure.

FACT 3: Emergency health orders are not statutory law. They are intended for emergencies only. There is no emergency by the legal definition of an event that is "imminent" "proximate" "sudden" "unexpected" and has the "potential for great harm." Nothing in the current health situation falls under that definition.

FACT 4: Emergency health orders may only be issued during an emergency. Health orders are very limited in their scope and duration. There is no emergency and therefore these emergency orders are invalid and unlawful and will not stand up in a court of law.

FACT 5: Because there is no OSHA rule or regulation requiring the wearing of masks or practicing physical distancing for your employees, you cannot require your employees to wear masks, nor can you be cited for not doing so.

FACT 6: You cannot be cited by OSHA for not requiring masks or distancing because:

- (a) There are no OSHA regulations you are violating
- (b) You are not a medical doctor and therefore cannot dispense medical advice such as wearing a mask, which is defined as a medical device by the FDA
- (c) You are not law enforcement and have no legal authority to enforce law or guidelines (and guidelines are not enforceable by law).

FACT 7: There is no OSHA rule or regulation requiring you to serve your patrons outside and not inside. Therefore, you are not violating any regulation and you cannot be cited for fined for doing so.

FACT 8: OSHA regulations only apply to your workplace and employees, not your patrons.

FACT 9: If you were to require masks of your employees or patrons at the risk of denying them employment or entry to your business establishment, you would be violating several established laws:

- (a) Local, State and Federal anti-discrimination laws that require “free and equal access” to any business establishment of any kind (including private clubs)
- (b) Impersonating a law enforcement officer
- (c) Practicing medicine without a license
- (d) False imprisonment (by blocking access to a place of public accommodation)
- (e) Irrevocable license to enter your place of business during open hours
- (f) Providing false information or misleading information relating to biological hazards and to conduct hoaxes (Federal Law 18 USC §1038) This law is enforced by the FBI and Department of Homeland Security
- (g) Kidnapping (by moving patrons from one place to another under duress and without their consent) which is a felony and carries a prison sentence

FACT 10: Committing any of the above crimes while wearing a mask, which conceals your identity elevates the severity of the crime and its punishment from misdemeanor to felony and may increase prison time and fines.

FACT 11: MASK-WEARING VIOLATES THE OSHA "GENERAL RULE"

The OSHA General Rule states that an employer must maintain a workplace that is free of known safety hazards.

Mask wearing by employees violates the OSHA General Rule for these reasons:

(A) **Wearing a mask reduces the oxygen in the immediate atmosphere** (around the nose and mouth of the person wearing the mask) below 19.5%, putting the person at IDLH -- immediate danger to life and health -- with irreversible adverse effects.

(B) **Wearing a mask interferes with communication.** This is why the CA State Department of Health states that those with hearing loss are exempt from wearing a mask, and those who communicate with the hard of hearing should also remove the mask.

(i) **Miscommunication could be deadly between employees.** An employee wearing a mask might not be clearly understood by another employee. For example, the mask-wearing employee might be shouting an alert or warning, but the other employee may not hear it because of the muffled voice. If there is a safety hazard and an employee could not be warned, the result could be fatal.

(ii) **Miscommunication could be deadly between an employee and a patron.** An employee wearing a mask might not be clearly understood by a patron. For example, the mask-wearing employee might be explaining the spices in a certain dish and the patron could be allergic but not hear the ingredients clearly because of the muffled voice. If there is a communication barrier between the masked server and the patron, the result could be fatal.

(C) **Wearing a mask presents a safety and fire hazard to the face.** An employee working over an open flame or where candles are present or other chemicals that could cause combustion are at an elevated risk for having their face catch on fire.

(D) **Wearing a mask prevents a safety hazard to the employee** if the mask is caught in machinery or equipment.

(E) **Wearing a face shield creates a safety hazard** for all of the same reasons listed in point 1-5, plus these additional safety hazards

(i) Face shields are not in compliance with OSHA Standard number 1926.102 for Eye and Face Protection.

(ii) Face shields create glare and blurriness for the wearer. Glare is one of the leading causes of cataracts, and cataracts are the leading cause of blindness.

(F) OSHA guidelines state that cloth face coverings are not considered "PPE" (personal protective equipment) and therefore they do not protect the wearer against any infectious disease, including COVID-19. <https://bit.ly/36duhU1>

(G) OSHA guidelines state: "Face coverings do not protect the wearer and are not personal protective equipment (PPE)." <https://bit.ly/36duhU1>

(H) OSHA guidelines state: "Persons for whom wearing a face covering would create a risk to the person related to their work are exempt." <https://www.osha.gov/Publications/OSHA3990.pdf>

THUS, requiring a mask of employees or patrons VIOLATES THE OSHA GENERAL RULE.

FACT 12: If you receive a visit from a health inspector or code enforcement officer, you have the right to ask for a warrant for that person to enter your premises.

FACT 13: If you are served with a violation, it is considered an administrative infraction and you have the right to go before an administrative judge or jury to have your case heard.

FACT 14: If you refuse to answer the violation, you may be at risk of having your license revoked – not because of not enforcing masks – but because you did not respond or appear to answer this claim.

FACT 15: Getting an administrative hearing or court date is a GOOD thing because you will be able to go before the officials and have this mask nonsense thrown out once for all – because **there is no lawful law, regulation, order or ordinance you are violating.**

FACT 16: You can protect the lawful integrity of your business AND avoid harassment from OSHA or Environmental health enforcers by preparing your own business notices and POST THESE IN A VISIBLE PLACE:

(A) **NOTICE TO GOVERNMENT AGENTS:** “Be advised that this is a private establishment. You need a warrant to lawfully enter this establishment. Any attempt to violate this will result in law enforcement being summoned.”

(B) **POLICY OF CONSTITUTIONAL COMPLIANCE:** “As a place of public accommodation, this establishment is in compliance with the United States Constitution and the Bill of Rights and therefore upholds the inalienable rights of the people for free and equal access to all facilities, privileges, accommodations and services without discrimination of any kind, whatsoever.”

(C) **NOTICE TO PATRONS:** Any person who harasses, intimidates, threatens or makes false accusations against this business, its owners, managers, employees and patrons, or who files a false claim or unfounded charges with a state or local agency regarding the lawful functioning of this business, as protected by local, state and federal laws, will be deemed a “direct threat” to the health and safety of this business and its owners, managers, employees and patrons, and as such will be banned from doing business with this establishment, and may be subject to a \$1,000,000 charge for violation of our store policies, and will be reported to local law enforcement, the FBI and Homeland Security for investigation, as fully allowed by law.

FACT 17: You can protect your business by preparing a written **ILLNESS AND INJURY PREVENTION PLAN** as required by OSHA (see sample document that you can edit to include your own business name.)

END

Injury & Illness Prevention Program

NOTICE OF COMPLIANCE

LET IT BE KNOWN THAT (Your Business) is in compliance with the OSHA GENERAL DUTY CLAUSE.

The General Duty Clause of the United States Occupational Safety and Health Act states: 29 U.S.C. § 654, 51: Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." 29 U.S.C. § 654, 52: Each employer shall comply with occupational safety and health standards promulgated under this act. 29 U.S.C. § 654, 5: Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

ACCORDING TO OSHA, The most current CDC guidance should be consulted in assessing potential workplace hazards and to evaluate the adequacy of an employer's protective measures for workers.

The CDC is recommending employers take the following steps to prevent the spread of COVID-19:

- Actively encourage sick employees to stay home
- Accommodate employees through social distancing or telework (if possible)
- Emphasize respiratory etiquette and hand hygiene by all employees
- Perform routine environmental cleaning
- Check government websites (CDC, State Department) for any travel advisories (where applicable)
- Plan for infection disease outbreaks in the workplace

THUS, (Your Business) IS FOLLOWING OSHA GUIDANCE THAT SAYS TO FOLLOW LATEST CDC GUIDANCE:

<https://www.osha.gov/memos/2020-05-19/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>

Prevent and Reduce Transmission Among Employees

Monitor federal, state, and local public health communications about COVID-19 regulations, guidance, and recommendations and ensure that workers have access to that information.

Frequently check the [CDC COVID-19 website](#).

Actively encourage sick employees to stay home:

- Employees who have [symptoms](#) should notify their supervisor and stay home.
- Sick employees should follow [CDC-recommended steps](#). Employees should not return to work until the criteria to [discontinue home isolation](#) are met, in consultation with healthcare providers.
- Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and follow [CDC recommended precautions](#).

Consider conducting daily in-person or virtual health checks (e.g., symptom and/or temperature screening) of employees before they enter the facility, in accordance with state and local public health authorities and, if available, your occupational health services:

- If implementing in-person health checks, conduct them safely and respectfully. Employers may use social distancing, barrier or partition controls, or personal protective equipment (PPE) to protect the screener. However, reliance on PPE alone is a less effective control and is more difficult to implement, given PPE shortages and training requirements.
 - See the “Should we be screening employees for COVID-19 symptoms?” section of [General Business Frequently Asked Questions](#) as a guide.
- Complete the health checks in a way that helps maintain social distancing guidelines, such as providing multiple screening entries into the building.
- Follow guidance from the [Equal Employment Opportunity Commissionexternal icon](#) regarding confidentiality of medical records from health checks.

- To prevent stigma and discrimination in the workplace, make employee health screenings as private as possible. Do not make determinations of risk based on race or country of origin and be sure to maintain confidentiality of each individual's medical status and history.

Identify where and how workers might be exposed to COVID-19 at work. Employers are responsible for providing a [safe and healthy workplaceexternal icon](#). Conduct a thorough [hazard assessmentexternal icon](#) of the workplace to identify potential workplace hazards related to COVID-19.

Use *appropriate* combinations of controls from the [hierarchy of controls](#) to limit the spread of COVID-19, including engineering controls, workplace administrative policies, and personal protective equipment (PPE) to protect workers from the identified hazards (see table below):

- Conduct a thorough hazard assessment to determine if workplace hazards are present, or are likely to be present, and determine what type of controls or PPE are needed for specific job duties.
- When engineering and administrative controls cannot be implemented or are not fully protective, employers are required by OSHA standards to:
 - Determine what PPE is needed for their workers' specific job duties,
 - Select and provide appropriate PPE to the workers at no cost, and
 - Train their workers on its correct use.
- Encourage workers to wear a cloth face covering at work if the hazard assessment has determined that they do not require PPE, such as a respirator or medical facemask for protection.
 - CDC recommends wearing a cloth face covering as a measure to contain the wearer's respiratory droplets and help protect their co-workers and members of the general public.
 - Cloth face coverings are not considered PPE. They may prevent workers, including those who don't know they have the virus, from spreading it to others but may not protect the wearers from exposure to the virus that causes COVID-19.
- Remind employees and customers that [CDC recommends wearing cloth face coverings](#) in public settings *where other social distancing measures are difficult to maintain*, especially in areas of significant community-based transmission.

- Wearing a cloth face covering, however, does not replace the need to practice social distancing.
- See the [OSHA COVID-19external icon](#) webpage for more information on how to protect workers from potential COVID-19 exposures and [guidance for employerspdf iconexternal icon](#), including steps to take for jobs according to exposure risk.

Separate sick employees:

- Employees who appear to have [symptoms](#) upon arrival at work or who become sick during the day should immediately be separated from other employees, customers, and visitors, and sent home.
- Have a procedure in place for the safe transport of an employee who becomes sick while at work. The employee may need to be transported home or to a healthcare provider.

Take action if an employee is suspected or confirmed to have COVID-19 infection:

In most cases, you do not need to shut down your facility. If it has been less than 7 days since the sick employee has been in the facility, close off any areas used for prolonged periods of time by the sick person:

- Wait 24 hours before cleaning and disinfecting to minimize potential for other employees being exposed to respiratory droplets. If waiting 24 hours is not feasible, wait as long as possible.
- During this waiting period, open outside doors and windows to increase air circulation in these areas.

If it has been 7 days or more since the sick employee used the facility, additional cleaning and disinfection is not necessary. Continue routinely cleaning and disinfecting all high-touch surfaces in the facility.

Follow the CDC [cleaning and disinfection recommendations](#):

- Clean dirty surfaces with soap and water before disinfecting them.
- To disinfect surfaces, use [products that meet EPA criteria for use against SARS-Cov-2external icon](#), the virus that causes COVID-19, and are appropriate for the surface.

- Always wear gloves and gowns appropriate for the chemicals being used when you are cleaning and disinfecting.
- You may need to wear additional PPE depending on the setting and disinfectant product you are using. For each product you use, consult and follow the manufacturer's instructions for use.

Determine which employees may have been exposed to the virus and may need to take additional precautions:

- Inform employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the [Americans with Disabilities Act \(ADA\)](#)[external icon](#).
- *Most workplaces* should follow the [Public Health Recommendations for Community-Related Exposure](#) and instruct potentially exposed employees to stay home for 14 days, telework if possible, and self-monitor for [symptoms](#).
- [Critical infrastructure](#)[external icon](#) workplaces should follow the guidance on [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#). Employers in critical infrastructure also have an obligation to manage potentially exposed workers' return to work in ways that best protect the health of those workers, their co-workers, and the general public.

Educate employees about steps they can take to protect themselves at work and at home:

- Encourage employees to follow any new policies or procedures related to illness, cleaning and disinfecting, and work meetings and travel.
- Advise employees to:
- Stay home if they are sick, except to get medical care, and to learn [what to do if they are sick](#).
- Inform their supervisor if they have a sick family member at home with COVID-19 and to learn what to do [if someone in their home is sick](#).
- Wash their hands often with soap and water for at least 20 seconds or to use hand sanitizer with at least 60% alcohol if soap and water are not available. Inform employees that if

their hands are visibly dirty, they should use soap and water over hand sanitizer. Key times for employees to clean their hands include:

- Before and after work shifts
- Before and after work breaks
- After blowing their nose, coughing, or sneezing
- After using the restroom
- Before eating or preparing food
- After putting on, touching, or removing cloth face coverings
- Avoid touching their eyes, nose, and mouth with unwashed hands.
- Cover their mouth and nose with a tissue when you cough or sneeze, or use the inside of their elbow. Throw used tissues into no-touch trash cans and immediately wash hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer containing at least 60% alcohol. Learn more about [coughing and sneezing](#) etiquette on the CDC website.
- Practice routine cleaning and disinfection of frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection. To disinfect, use [products that meet EPA's criteria for use against SARS-CoV-2external ico](#) the cause of COVID-19, and are appropriate for the surface.
- Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. Clean and disinfect them before and after use.

(Your Business) Maintains Healthy Business Operations

Identify a workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace.

Implement flexible sick leave and supportive policies and practices:

- Ensure that sick leave policies are flexible and consistent with public health guidance and that employees are aware of and understand these policies.
- Maintain flexible policies that permit employees to stay home to care for a sick family member or take care of children due to school and childcare closures. Additional flexibilities might include giving advances on future sick leave and allowing employees to donate sick leave to each other.
- The Families First Coronavirus Response Act (FFCRA or Act) [requires certain employersexternal ic](#) to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.
- Employers with fewer than 500 employees are eligible for [100% tax creditsexternal icon](#) for Families First Coronavirus Response Act COVID-19 paid leave provided through December 31, 2020, up to certain limits.
- Employers that do not currently offer sick leave to some or all of their employees should consider drafting non-punitive “emergency sick leave” policies.
- Employers should not require a COVID-19 test result or a healthcare provider’s note for employees who are sick to validate their illness, qualify for sick leave, or to return to work.
 - Under the American’s with Disabilities Act, employers are permitted to require a doctor's note to verify that they are healthy and able to return to work. However, as a practical matter, be aware that healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely manner. Most people with COVID-19 have mild illness and can recover at home without medical care and can follow CDC recommendations to determine when to [discontinue home isolation](#) and return to work.
 - The U.S. Equal Employment Opportunity Commission (EEOC) has established guidance regarding [Pandemic Preparedness in the Workplace and the Americans with Disabilities Actexternal icon](#). The guidance enables employers to take steps to protect workers consistent with CDC guidance, including requiring workers to stay home when necessary to address the direct threat of spreading COVID-19 to others.

- Review human resources policies to make sure that your policies and practices are consistent with public health recommendations and with existing state and federal workplace laws (for more information on employer responsibilities, visit the [Department of Labor's external icon](#) and the [Equal Employment Opportunity Commission's external icon](#) websites).
- Connect employees to employee assistance program (EAP) resources, if available, and community resources as needed. Employees may need additional social, behavioral, and other services, for example, to help them [manage stress and cope](#).

Protect employees at [higher risk for severe illness](#) through supportive policies and practices. Older adults and people of any age who have serious underlying medical conditions are at higher risk for severe illness from COVID-19.

- Support and encourage options to telework, if available.
- Consider offering [vulnerable workers](#) duties that minimize their contact with customers and other employees (e.g., restocking shelves rather than working as a cashier), if the worker agrees to this.
- Offer flexible options such as telework to employees. This will eliminate the need for employees living in higher transmission areas to travel to workplaces in lower transmission areas and vice versa.
- Ensure that any other businesses and employers sharing the same workspace also follow this guidance.

Communicate supportive workplace policies clearly, frequently, and via multiple methods. Employers may need to communicate with non-English speakers in their preferred languages.

- Train workers on how implementing any new policies to reduce the spread of COVID-19 may affect existing health and safety practices.
- Communicate to any contractors or on-site visitors about changes that have been made to help control the spread of COVID-19. Ensure that they have the information and capability to comply with those policies.

- Create and test communication systems that employees can use to self-report if they are sick and that you can use to notify employees of exposures and closures.
- Consider using a hotline or another method for employees to voice concerns anonymously.

Assess your essential functions and the reliance that others and the community have on your services or products.

- Be prepared to change your business practices, if needed, to maintain critical operations (e.g., identify alternative suppliers, prioritize existing customers, or temporarily suspend some of your operations).
- Identify alternate supply chains for critical goods and services. Some goods and services may be in higher demand or unavailable.
- If other companies provide your business with contract or temporary employees, talk with them about the importance of sick employees staying home and encourage them to develop non-punitive leave policies.
- Talk with business partners about your response efforts. Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.
- When resuming onsite business operations, identify and prioritize job functions for continuous operations.

Determine how you will operate if absenteeism spikes from increases in sick employees, those who stay home to care for sick family members, and those who must stay home to watch their children until [childcare programs and K-12 schools](#) resume.

- Plan to monitor and respond to absenteeism at the workplace.
- Implement plans to continue your essential business functions in case you experience higher-than-usual absenteeism.
- Prepare to institute flexible workplace and leave policies.

- Cross-train employees to perform essential functions so the workplace can operate even if key employees are absent.

Establish policies and practices for [social distancing](#). Alter your workspace to help workers and customers maintain social distancing and physically separate employees from each other and from customers, *when possible*. Here are some strategies that businesses can use:

- Implement flexible worksites (e.g., telework).
- Implement flexible work hours (e.g., rotate or stagger shifts to limit the number of employees in the workplace at the same time).
- Increase physical space between employees at the worksite by modifying the workspace.

(Your Business) Maintains a healthy work environment

This may include some or all of the following activities:

- Increase ventilation rates.
- Ensure ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.
- Increase outdoor air ventilation, using caution in highly polluted areas. With a lower occupancy level in the building, this increases the effective dilution ventilation per person.
- Further open minimum outdoor air dampers (as high as 100%) to reduce or eliminate recirculation. In mild weather, this will not affect thermal comfort or humidity. However, this may be difficult to do in cold or hot weather.
- Improve central air filtration to the MERV-13 or the highest compatible with the filter rack, and seal edges of the filter to limit bypass.
- Check filters to ensure they are within service life and appropriately installed.
- Keep systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.

Ensure the safety of your building water system and devices after a prolonged shutdown:

- Follow the [CDC Guidance for Building Water Systems](#), which describes 8 steps to take before you reopen your business or building.

Give employees, customers, and visitors what they need to clean their hands and cover their coughs and sneezes:

- Provide tissues and no-touch trash cans.
- Provide soap and water in the workplace. If soap and water are not readily available, use alcohol-based hand sanitizer that is at least 60% alcohol. Ensure that adequate supplies are maintained.
- Ideally, place touchless hand sanitizer stations in multiple locations to encourage hand hygiene.
- Direct employees to visit CDC's [coughing and sneezing etiquette](#) and [clean hands webpage](#) for more information.

Perform routine cleaning:

- Follow the [Guidance for Cleaning and Disinfecting](#) to develop, implement, and maintain a plan to perform regular cleanings to reduce the risk of exposure to COVID-19.
- Routinely clean all frequently touched surfaces in the workplace, such as workstations, keyboards, telephones, handrails, and doorknobs.
 - If surfaces are dirty, clean them using a detergent or soap and water before you disinfect them.
 - For disinfection, most common, EPA-registered, household disinfectants should be effective. A list of [products that are EPA-approved for use against the virus that causes COVID-19](#)[external icon](#) is available on the EPA website. Follow the manufacturer's

instructions for all cleaning and disinfection products (e.g., concentration, application method, and contact time).

- Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that could be very dangerous to breathe in.
- Advise employees to always wear gloves appropriate for the chemicals being used when they are cleaning and disinfecting and that they may need additional PPE based on the setting and product.
- Minimize non-essential travel and consider resuming non-essential travel in accordance with state and local regulations and guidance.
- Check the [CDC's Traveler's Health Notices](#) for the latest guidance and recommendations for each country where you will travel. Specific travel information for travelers going to and returning from countries with travel advisories, and information for aircrew, can be found on the [CDC website](#).
- Advise employees to check themselves for [symptoms of COVID-19](#) before starting travel and to notify their supervisor and stay home if they are sick.
- Ensure employees who become sick while traveling or on temporary assignment understand that they should notify their supervisor and promptly call a healthcare provider for advice if needed.
- If they are outside the United States, sick employees should follow company policy for obtaining medical care or contact a healthcare provider or overseas medical assistance company to help them find an appropriate healthcare provider in that country. A U.S. consular officer can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, or resources to evacuate or give medicines, vaccines, or medical care to private U.S. citizens overseas.

The table below presents examples of controls to implement in your workplace. The most effective controls are those that rely on engineering solutions, followed by administrative controls, then PPE. PPE is the least effective control method and the most difficult to implement. Worksites may have to implement multiple complementary controls from these columns to effectively control the hazard.

(Your Business) uses the table below to implement the most appropriate controls for the workplace

TABLE: Example Controls to Prevent the Spread of COVID-19 in Work Environments

TABLE: Example Controls to Prevent the Spread of COVID-19 in Work Environments		Personal Protective Equipment (PPE)
Engineering	Administrative	
<p>Facilities and Equipment</p> <ul style="list-style-type: none"> Assess job hazards for feasibility of engineering controls Ensure ventilation and water systems operate properly Alter workspaces to maintain social distancing. <p>Examples include:</p> <ul style="list-style-type: none"> Configure partitions as a barrier shield Move electronic payment reader away from cashier Use verbal announcements, signage, and visual cues to promote social distancing Remove/rearrange furniture <ul style="list-style-type: none"> Provide remote shopping alternatives (e.g., delivery, pick-up) 	<p>Management and Communications</p> <ul style="list-style-type: none"> Monitor state and local public health communications about COVID-19 Encourage sick workers to report symptoms, stay home, and follow CDC guidance Develop strategies to: <ul style="list-style-type: none"> manage worker concerns communicate with workers Remind workers of available support services Communicate to partners, suppliers, other contractors on policies and practices Encourage social distancing and the use of cloth face coverings (if appropriate) in the workplace Use technology to promote 	

social distancing (e.g., telework and virtual meetings)

- Cancel group events
- Close/limit use of shared spaces
- Ask customers who are ill to stay home
- Consider policies that encourage flexible sick leave and alternative work schedules.
- Schedule stocking during off-peak hours

Cleaning and Disinfection

- Clean and disinfect frequently touched surfaces, (e.g., counters, shelving, displays)
- Provide employees with disposable disinfectant wipes, cleaner, or sprays that are effective against the virus that causes COVID-19

Training

Provide employees with training on:

- Policies to reduce the spread of COVID-19
- General hygiene
- Symptoms, what to do if sick
- Cleaning and disinfection

- Cloth face covers
- Social distancing
- Use of PPE
- Safe work practices
- Stress management

17 KEY POINTS FOR BUSINESS OWNERS AND CUSTOMERS

1. There is no emergency by the legal definition of the word, so all these orders are null and void.
2. The violation that are often cited can only apply to the governor's authority, not to the business or customer.
3. There is no lawful ordinance regarding masks, distancing, limiting number of patrons, operating outside, etc. These are GUIDELINES, not laws and therefore not enforceable by law.
4. Even if these state, county orders and city ordinances were lawful, there are exemptions, and you cannot force anyone to restrict their breathing.
5. It is unlawful for any government to deprive you of your ability to work or run a business or earn a living. Thus, you never have to shut down your business or change its operations.
6. You do not have to adhere to any nonsense of masks, distancing, operate outdoors, limit capacity, etc.
7. If you did enforce this nonsense, then you WOULD be at risk of violating over 20 federal and state laws (see attached).
8. If you did require your employees to wear masks, you'd be violating the OSHA general rule. (see attached OSHA info)
9. You are not a licensed doctor and cannot give medical advice, such as covering your nose and mouth with a medical device.
10. You are not law enforcement and have no authority to enforce laws.
11. Any business policy (i.e., to require masks) cannot supersede federal and state civil rights laws, which allows patrons to enter your business without a mask.
12. The snitches can be dealt with by reporting them (and the county or city that encourages the snitching) to the county Sheriff, the FBI and Homeland Security or harassment and intimidation. PUT A SIGN ON YOUR DOOR SAYING THAT "ANYONE CAUGHT HARASSING THE BUSINESS WILL BE REPORTED TO LOCAL LAW ENFORCEMENT, THE FBI AND HOMELAND SECURITY."
13. Put a sign on the door or visible in the entry that states, "THIS ESTABLISHMENT IS A PLACE OF PUBLIC ACCOMMODATION AND AS SUCH IS BOUND BY FEDERAL AND STATE LAWS TO OFFER EQUAL

ACCESS AND ENJOYMENT TO ALL FACILITIES, SERVICES AND PRIVILEGES TO ALL PATRONS REGARDLESS OF MEDICAL CONDITION, RELIGIOUS BELIEFS AND OTHER PROTECTED CHARACTERISTICS."

[You can point to the sign when any code enforcers come snooping around.]

14. Check your insurance to see if you are liable for people contracting a virus in your facility. If you are not -- then good news! "No liability, no responsibility!"

15. Have three or four boxes or containers of different masks with labels that say, "This masks does not protect against infectious disease," and if code enforcement comes around (or if you go to court) you can ask them which box of the ineffective masks you're supposed to enforce.

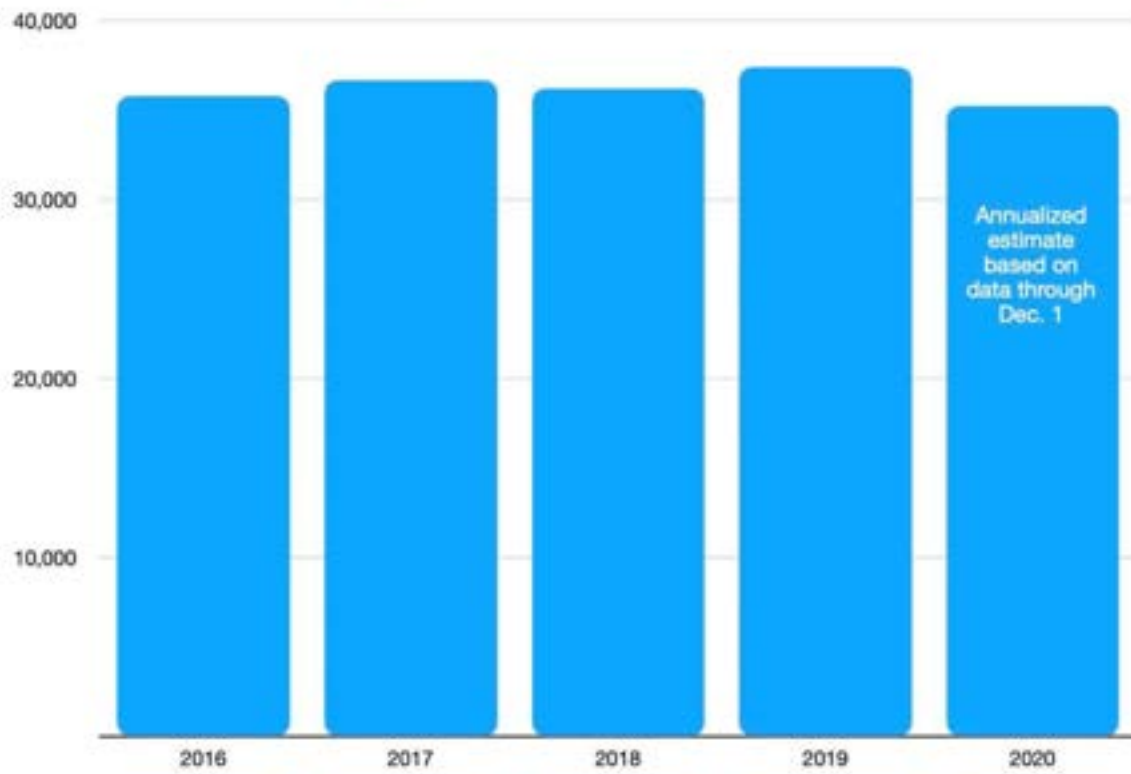
16. You can write a "presumptive letter" to the county counsel, board of supervisors, health officer, mayor and city council

17. You can educate law enforcement by sharing the info regarding laws they WOULD be asking you to violate by enforcing the unlawful.

The "Science" Sources

- CDC Table 3 Comorbidities - https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#Comorbidities
- Heritage Foundation <https://www.heritage.org/data-visualizations/public-health/covid-19-deaths-by-age/>
- Freedom Foundation <https://www.freedomfoundation.com/covid-19/freedom-foundation-lawsuit-briefs-argues-mask-mandate-exceeds-authority/>
- Flu Bites PDF document - [flu season - Oregon.gov - www.oregon.gov › oha › documents › data › flubites](http://www.oregon.gov/oha/documents/data/flubites)
- [Communism vs COVID chart](#)
- [The Great Barrington Declaration - https://gbdeclaration.org/](https://gbdeclaration.org/)
- [Corman-Drostan Review Report - https://cormandrostenreview.com/report/?fbclid=IwAR06iBu8dc_4HwWHzjCqNokumHBGFF-q2AY7dMK-IMbCiyplKsf_UcBmp8](https://cormandrostenreview.com/report/?fbclid=IwAR06iBu8dc_4HwWHzjCqNokumHBGFF-q2AY7dMK-IMbCiyplKsf_UcBmp8)

■ Deaths in Oregon by Year, Source OHA



<https://www.oregon.gov/oha/PH/BirthDeathCertificates/VitalStatistics/death/Pages/index.aspx>

DEATHS IN US BY YEAR

Year	Deaths	Population	Deaths per 100,000	Rate
2010	2,468,435	309,346,863	798	0.8%
2011	2,515,458	311,718,847	807	0.8%
2012	2,543,279	314,102,623	810	0.8%
2013	2,596,993	316,427,395	821	0.8%
2014	2,626,418	318,907,401	824	0.8%
2015	2,712,630	321,418,820	844	0.8%
2016	2,744,248	323,071,342	849	0.8%
2017	2,813,503	325,147,121	865	0.9%
2018	2,839,205	327,167,439	868	0.9%
2019	2,855,000	328,239,523	870	0.9%
2020	2,902,664	330,767,888	878	0.9%

CDC - Census (as of 12/30/2020)
<https://www.cdc.gov/nchs/nvss/vsrr/provisional-tables.htm>
<https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm>

(Numbers reflect all deaths, including Covid-19)

**The only Pandemic in America is
the false FEAR of a virus that isn't
any more deadly than the common
FLU!**

FACTS and REAL "SCIENCE" As of 12-27-20
and per the OHA.GOV website ...

**F.E.A.R. stands for False Evidence Appearing
Real!**

- 1427 deaths reported **with** COVID 19
- 109,725 reported cases
- Negative Tests 2,031,230
- 4.2 Million plus Oregonian residents
- Zero reported cases of Flu Hospitalizations in Tri-County area as of 12-18-20 per Oregon Flu Bites
- Average US Age of COVID patient death is 75 – CDC Table 3 Comorbidities
- Average lifespan in America is 78
- 94% of US COVID patient deaths had comorbidities – CDC Table 3 Comorbidities
- You have a 99.98% survival rate under age 70!

Where is the emergency? Why are we forced to wear masks?

“Trust The Data”

From the Oregon Health Authority today (12-8-20).

Total deaths In Oregon (All causes)

2020: 32,330 (age 65+ 24,836) January 1 through October 31

2019: 37,397 (age 65+ 28,944)

2018: 36,191 (age 65+ 27,914)

2017: 36,340 (age 65+ 28,107)

2016: 35,799 (age 65+ 27,302)

2015: 35,709 (age 65+ 27,246)

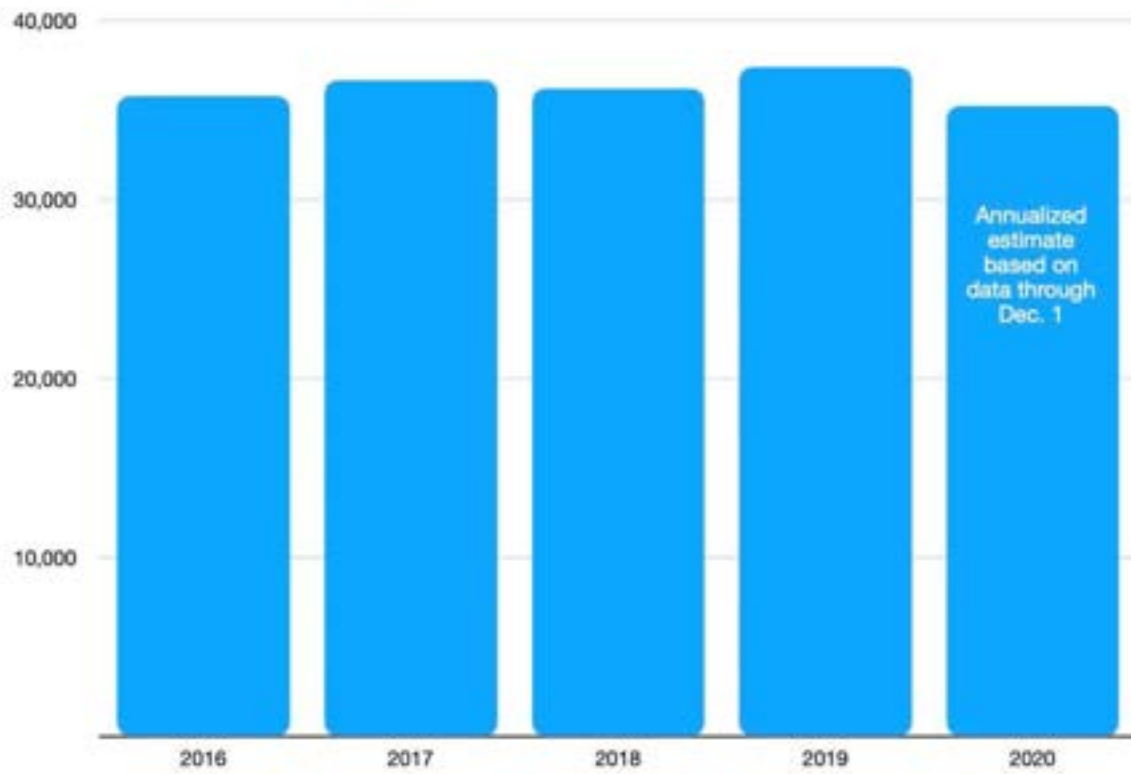
Source: Oregon Health Authority

And if you are really into the numbers:

<https://www.oregon.gov/oha/PH/BIRTHDEATHCERTIFICATES/VITALSTATISTICS/DEATH/Pages/index.aspx>

From the chart below, please tell me the year of the "pandemic" in Oregon. I'll wait.

■ Deaths in Oregon by Year, Source OHA



<https://www.oregon.gov/oha/PH/BirthDeathCertificates/VitalStatistics/death/Pages/index.aspx>

**“COMMUNIST COERCIVE METHODS FOR ELICITING INDIVIDUAL COMPLIANCE”.*
The Biderman Report of 1956 and COVID-19**

Chart of Coercion	COVID-19
<p>Isolation</p> <ul style="list-style-type: none"> • Deprives individual of social support of his ability to resist • Makes individual dependent upon the captor • Individual develops an intense concern with self. 	<p>Isolation</p> <ul style="list-style-type: none"> • Social distancing • Isolation from loved ones, massive job loss • Solitary confinement semi-isolation • Quarantines, containment camps
<p>Monopolization of Perception</p> <ul style="list-style-type: none"> • Fixes all attention upon immediate predicament; • Frustrates all actions not consistent with compliance • Eliminates stimuli competing with those controlled by the captor 	<p>Monopolization of perception</p> <ul style="list-style-type: none"> • Restrict movement • Create monotony, boredom • Prevent gathering, meetings, concerts, sports • Dominate all media the 24/7, censor information
<p>Induced Debility and Exhaustion</p> <ul style="list-style-type: none"> • Weakens mental and physical ability to resist • People ...become worn out by tension and fear 	<p>Induced debility</p> <ul style="list-style-type: none"> • Forced to stay at home, all media is negative • not permitted to exercise or socialize
<p>Threats</p> <ul style="list-style-type: none"> • Cultivates anxiety and despair • Gives demands and consequences for non compliance 	<p>Threats and Intimidation</p> <ul style="list-style-type: none"> • Threaten to close business, levy fines • Predict extension of quarantine, force vaccines • Create containment camps
<p>Occasional Indulgences</p> <ul style="list-style-type: none"> • Provides motivation for compliance • Hinders adjustment to deprivation. • Creates hope for change, reduces resistance • This keeps people unsure of what is happening. 	<p>Occasional Indulgences</p> <ul style="list-style-type: none"> • Allow reopening of some stores, services • Let restaurants open but only at a certain capacity • Increase more people allowed to gather • Follow concessions with tougher rules
<p>Demonstrate Omnipotence</p> <ul style="list-style-type: none"> • Demonstrates futility of resistance • Shows who is in charge • Provides positive motivation for compliance 	<p>Demonstrate Omnipotence</p> <ul style="list-style-type: none"> • Shut down entire economies across the world • Create money out of nowhere, force dependency • Develop <i>total</i> surveillance with nanochips and 5G
<p>Degradation</p> <ul style="list-style-type: none"> • Makes resistance seem worse than compliance • Creates feelings of helplessness. • Creates fear of freedom, dependence upon captors 	<p>Humiliation or Degradation techniques</p> <ul style="list-style-type: none"> • Shame people who refuse masks, don't distance • Make people stand on circles and between lines • Make people stand outside and wait in queues • Sanitation stations in every shop
<p>Enforcing trivial demands</p> <ul style="list-style-type: none"> • Develops habit of compliance • Demands made are illogical and contradictory • Rules on compliance may change • Reinforces who is in control 	<p>Enforcing trivial demands</p> <ul style="list-style-type: none"> • Family members must stand apart • Masks in home and even when having sex • Random limits on people allowed to be together • Sanitizers to be used over and over in a day

www.beingfree.ca

The Chart of Coercion above is drawn from the **Biderman Report on communist brainwashing techniques** used by the Chinese and North Koreans on captured American servicemen to make them psychological as well as physical prisoners. Dr. Alfred D. Biderman M.A. and presented his Report at the New York Academy of Medicine Nov 13, 1956. Compare right column with your experience this year.

* Biderman Report <https://consensualenslavement.com/bidermanreport.html>

Amnesty International Report on Terror <https://www.amnesty.org/en/documents/pol10/0001/1983/en/>

Data at a Glance
November 29—December 5, 2020 (Week 49)

	Current Week (49)	Previous Week (48)
Percentage of emergency department visits for ILI¹	1.0%	1.3%
Percentage positive influenza tests²	0.3%	0.2%
Portland tri-county influenza-associated hospitalizations³	0	0
Portland tri-county COVID-19-associated hospitalizations³	166	182
Reported influenza outbreaks	0	0
Influenza-associated pediatric mortality	0	0
Respiratory Syncytial Virus (RSV) activity⁴	0.1%	0.0%

¹Based on Oregon ESSENCE Syndromic Surveillance. Data represent statewide aggregate percent.

²Percent positivity based on data from Oregon reporters to the National Respiratory and Enteric Virus Surveillance System (NREVSS)

³Based on hospitalization surveillance in Clackamas, Multnomah, and Washington counties only.

⁴Percent positivity based on data from Oregon's RSV Laboratory Surveillance System.

(YOUR BUSINESS NAME)

PUBLIC NOTICES

(You can modify as desired for your business)

- (A) NOTICE TO GOVERNMENT AGENTS:** “Be advised that this is a private establishment. You need a warrant to lawfully enter this establishment. Any attempt to violate this will result in law enforcement being summoned.”
- (B) POLICY OF CONSTITUTIONAL COMPLIANCE:** “As a place of public accommodation, this establishment is in compliance with the United States Constitution and the Bill of Rights and therefore upholds the inalienable rights of the people for free and equal access to all facilities, privileges, accommodations and services without discrimination of any kind, whatsoever.”
- (C) NOTICE TO PATRONS:** Any person who harasses, intimidates, threatens or makes false accusations against this business, its owners, managers, employees and patrons, or who files a false claim or unfounded charges with a state or local agency regarding the lawful functioning of this business, as protected by local, state and federal laws, will be deemed a “direct threat” to the health and safety of this business and its owners, managers, employees and patrons, and as such will be banned from doing business with this establishment, and may be subject to a \$1,000,000 charge for violation of our store policies, and will be reported to local law enforcement, the FBI and Homeland Security for investigation, as fully allowed by law.

The government is **NEITHER** my mommy, Savior or God.
The government is **NOT** my master, it is my servant.



You Have Liberty. **If You Have Common Sense, Use it.**

WELCOME!

This is a Constitutionally Compliant Business.

We **WILL NOT** infringe on anyone's unalienable rights. By law, we do not follow any of the governor's, mayor's, health department's, or other government agency orders or suggestions pertaining to social distancing or mask wearing. Your health is your responsibility.

The Constitutional Law Group is our Assistance of Counsel.

ConstitutionalLawGroup.US | 888-983-4616



CONSTITUTIONAL
LAW GROUP
888-983-4616



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**PEACEFUL
PROTEST
INSIDE**

**WE ASSUME
IF YOU ARE
NOT
WEARING A
MASK THAT
YOU ARE
EXEMPT**

WELCOME!

**We are a
Constitutionally Compliant
Business.**

We are not infringing on anyone's unalienable rights. By law, we do not follow any of the governor's, mayor's, health department's, or other government agency orders or suggestions pertaining to social distancing or mask wearing.

Your health is your responsibility.



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LAW GROUP

888-983-4616

<https://www.constitutionallawgroup.us>

NOTICE TO GOVERNMENT AGENTS:

“Be advised that this is a private establishment. You need a warrant to lawfully enter this establishment. Any attempt to violate this will result in law enforcement being summoned.”

Please do not enter if you are experiencing Flu like symptoms or had contact with an infected person in the last 14 days.

State & Local government have issued orders insisting the people of Oregon wear masks.

YOU ARE EXEMPT from wearing a mask if it is detrimental to your health or current disability.

We cannot legally ask you about your health. If you are not wearing a mask, we will assume you qualify for an exemption.

**ALL PERSONS ENTERING AGREE
TO A WAIVER & RELEASE OF**

LIABILITY FOR THIS BUSINESS AND
THEIR AGENTS.

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Resolution in Support of the)
Local Economy and Businesses of Yamhill County) RESOLUTION 21-02-25-1
Impacted by COVID-19)

WHEREAS, on March 8, 2020 the Governor issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic, and since that date has issued 23 Emergency Directives; and

WHEREAS, the Fourteenth Amendment to the U.S. Constitution declares, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"; and

WHEREAS, Article 1, Section 18, Oregon Constitution declares, "Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered"; and

WHEREAS, the Governor deemed within her power and discretion to classify many businesses as non-essential despite many of these businesses being substantially the same as others classified as essential; and

WHEREAS, we assert the Governor's orders that businesses be closed or restricted to 25% capacity violate the Fifth Amendment right that declares no citizen shall be deprived of his property, "without the due process of law"; and

WHEREAS, the Governor has placed significant restrictions on bars, restaurants, athletic clubs, and related businesses; and

WHEREAS, to date, Yamhill County health officials, aided by the continued trust and diligence of Yamhill County residents, have managed outbreaks of Covid-19 without overwhelming hospital capacity; and

WHEREAS, current shutdown policies have caused societal, emotional, and economic harm.

NOW THEREFORE BE IT RESOLVED that the Yamhill County Board of Commissioners calls on the Governor to uphold her solemn pledge to "support, protect, and defend" the U.S. & Oregon Constitutions and requests that she lift orders restricting our local businesses and limiting the size of peaceful gatherings; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners considers all independently owned businesses essential and asks the Governor to treat them as such; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners calls on the Governor to direct State agencies (including, Oregon Health Authority, Oregon Occupational Safety and Health and Oregon Liquor Control Commission) to limit their citations to those infractions in place prior to COVID-19 Directives; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners urges residents and citizens to follow COVID-19 mitigation best practices and measures under the auspices of being self-governing and committed to protecting our well-being and that of our neighbors without coercion; and

BE IT FURTHER RESOLVED that the Yamhill County Board of Commissioners encourages our legislative representatives to aggressively support amendments to the Oregon Revised Statutes that would limit any Governor's authority to restrict our freedoms under the auspices of a declared and prolonged declaration of emergency.

Done this 25th day of February, 2021



YAMHILL COUNTY BOARD OF COMMISSIONERS

Commissioner, Chair

MARY STARRETT

Commissioner, Vice-Chair LINDSAY BERSCHAUER

Voted "No"

Commissioner

CASEY KULLA



DOUGLAS COUNTY BOARD OF COMMISSIONERS

CHRIS BOICE TIM FREEMAN TOM KRESS

Douglas County Courthouse, Room 217
1036 SE Douglas Avenue, Roseburg, Oregon 97470

FOR IMMEDIATE RELEASE
February 23, 2021

Douglas County Commissioners Issue Statement About Movement to State's Extreme Level

(Douglas County, Ore.) The Douglas County Board of Commissioners are very concerned about our recent surge in COVID cases, and dismayed to learn that our case counts in the last two weeks have prompted the State of Oregon to move Douglas County from the State's Mandated High COVID Risk Level to the State's Mandated Extreme COVID Risk Level, thus imposing stricter guidelines on our residents and businesses. We do painfully recognize that the impact of the State moving us to the Mandated Extreme COVID Risk Level will be felt the most by Douglas County's small local businesses, especially our restaurants, bars and gyms, rather than by where the most recent rash of cases have been reported (i.e. our long-term care facilities, churches, schools and by residents who have chosen to host large events). This scenario continues to illustrate the issue we have with the State's "one-size-fits-all" approach to their COVID restriction metrics and programs.

Now, as our county prepares to move to the State's Mandated Extreme Risk Level beginning on Friday, February 26, 2021, your Commissioners realize that many local businesses are likely to stay open and challenge the State's guidelines for this new risk level. As your Commissioners always have and will continue to do, we stand with, represent and support the citizens and businesses operating in Douglas County. We want our residents to be healthy and have access to necessary services; we want to help our businesses succeed; and we want everyone in our county to continue to move forward with social and economic stability. While Douglas County currently has no ability to shield or protect our businesses from state sanctions, penalties and fines, we are here to help in any way we can. We do want to encourage our local businesses to follow the appropriate precautions to prevent the spread of the virus, as well as, protect their businesses, their patrons and their ability to continue to keep their doors open.

Your Commissioners continue to be incredibly frustrated with the lack of local input being allowed at the state level, especially when determining the State's current COVID Risk Level Program, instituted in December 2020. The State's new mandated program undeservedly punishes and brutally affects our local businesses ability to operate and stay financially stable during this pandemic. Especially, when the businesses that have suffered the most during the State's Mandated Risk Level restriction periods (our restaurants, our coffee houses, our dance studios, our senior centers, our small retail stores, our bars and our gyms), are among some of the safest places to go during the pandemic. These businesses are required to follow some of the most stringent COVID safety and health guidelines. For the most part, our businesses have been extremely responsible to our communities, and in following the COVID-19 guidance coming from the State. The adoption of the Oregon OSHA COVID-19 Standard in late 2020, further shows that Oregon workplaces are some of the most sanitary places for customers and employees to be. Public health officials, coupled with our local outbreak data and statistics, have stated very clearly that COVID-19 is spreading in Oregon and in Douglas County for reasons unrelated to our businesses being open. In fact, cases at restaurants, bars and gyms accounted for only 1% of our total positive cases in the last two weeks. Our local data for COVID cases showed that of the current 280 active COVID cases that DPHN is supporting in isolation:

- There are NO COVID outbreaks created or active at any gyms, restaurants or bars in Douglas County.
- Of those 280 active cases, we only have 4 positive cases associated with any gyms, restaurants or bars in Douglas County.
- Currently, there are no other employees at any other gyms, restaurants or bars that have active or positive cases at this time.

As we have asserted before, your Douglas County Commissioners do not support county “enforcement’ of State issued COVID guidelines. Instead, as the local public health authority, we feel it is paramount for State of Oregon Officials to provide easy to understand, timely access to the latest information, resources and medical guidance in order to educate residents about COVID-19 that allows them to make informed, responsible decisions. We feel that most people will do the right thing, if given the opportunity and knowledge to do so. We cannot in good conscience, condone citing or potentially arresting people for trying to make an honest living. While we understand the need for increased measures to slow the spread of the virus due to the recent dramatic increase in local COVID-19 cases, we do not agree with a statewide mandated approach. Further, Douglas County Government will not enforce the mandates for these somewhat draconian rules against our citizens mandated without local consultation. We recommend that residents contact one of the state legislators representing your district, and ask them to engage in the fight to help our local business and residents. There are seven state legislators that represent a portion of Douglas County.

Your Commissioners believe that there must be a better balance between the socio-economic damage being done to our businesses, and the fight to slow the spread of COVID-19 in our communities, while also protecting the health and wellbeing of our residents. While we have seen a rise in COVID-19 cases, we have also seen far too many businesses close; residents lose their jobs and struggle to get assistance to pay their bills; seniors continuing to live in isolation and anguish; and far too many families and children suffering with financial, mental and educational woes. We are fearful that with the movement to the State’s Extreme Risk Level that there will be many more unintended consequences for our residents.

As your Douglas County Commissioners, we still believe, as we always have, that if the citizens of Douglas County are provided with the proper information on how to make their own choices about what are best for them and their fellow citizens, that, most will choose to do so.

###

Contact Tamara Howell, Douglas County Emergency Communications & Community Engagement Specialist (PIO)
(541) 670-2804 cell - (541) 957-4896 office - tjhowell@co.douglas.or.us

Crook County sheriff's office to reopen for business, won't cite businesses that reopen



Oregon State Sheriff's Assn. Crook County Sheriff John Gautney
'If a business decides to open, that is a decision the business owner makes,' John Gautney says

PRINEVILLE, Ore. (KTVZ) -- Crook County Sheriff John Gautney issued a statement to the community on Monday, saying his office will reopen for regular business, with some restrictions, on Tuesday and that he doesn't plan to cite any business that reopens, despite the COVID-19 restrictions.

Here's his letter posted to social media, in full:

May 4, 2020

The last many weeks have been a very difficult time for all of us. The unknown has created fear in many people to the point that it has been crippling to our economy. Crook County has been very good at maintaining our ability to function, in the most part, by doing what we have always done; using our common sense. There have been many businesses in our community that have been terribly harmed by the closing of the businesses by the State. In some of the more populated areas of Oregon, that might be needed, but not in Crook County. We have had one COVID case since this event started, and that was weeks ago, with no new cases since. As a rural county of Oregon we have been able to take care of ourselves and our families for years, and that is no different today.

I don't want to see more families hurt by this virus, and it is terrible what families that have lost a loved one have gone through. My heart goes out to them. I, in no way want to lessen the importance of their loss.

I know that recently there has been criticism of the local government officials for not doing anything to get the county back open. I have been here almost every day since this crisis started and I can tell you that the county government is working daily to try and get the economy moving again. It is not always visible to the general public because it is going on behind the scenes. Judge Crawford, Commissioners Brummer and Barney have been constantly meeting with the Governor's Office along with our County Health Director putting together a plan to move us forward.

Regarding the Sheriff's Office, we had immediately taken measures to protect the county from lawsuits from special interest groups in regard to inmate safety because of this virus. In doing so we reduced the number of inmates in cooperation with local law enforcement, the Courts and our Community Corrections Division. We are currently in a very good position to protect our inmates and staff by implementing restrictions during the booking process. Our medical staff is constantly observing and taking any action necessary should anyone show indications of an illness. Our Patrol Division is continuing to patrol the county and answer your calls for service while practicing protocols that will protect themselves as well as the public. Our Community Corrections Division is continuing to monitor their clients and hold them accountable as needed.

Many are concerned that law enforcement will arrest anyone who violates the stay home order. That is simply not true for the Crook County Sheriff's Office. As we have seen released in the media more than once, that Oregon law enforcement's role in this is that of EDUCATION if they see violations. The enforcement role falls to the organization that issues licenses for that particular business. If a business decides to open, that is a decision the business owner makes. If customers choose to shop with that business that is that person's choice. We are a free society and able to make decisions based on common sense. I see large businesses open every day with lots of customers and they are using safety precautions if they choose. The point is they have the right to choose. If the large stores can accommodate the large number of customers and operate effectively, why are we not letting the small business operate under the same guidelines?

I know this is going to draw disapproval by some, and that is ok. That is their right to do so. That is what our country is based on. If you are elderly and have underlying medical issues, then by all means stay home, IF YOU CHOOSE to do so.

I believe in supporting the Constitution of the United States and the Constitution of the state of Oregon and the laws thereof. I also try to apply common sense in the application of those laws.

Keeping this in mind, and after consultation with my staff, effective May 5, 2020, the Crook County Sheriff's Office will be open for regular business, with some restrictions in place so that we may serve all citizens that need our services. New Concealed Handgun License (CHL) applicants will be able to resume with the application process. If you are on our waitlist, our office staff will be contacting you to make an appointment. CHL renewals will continue to be done by mail until our backlog is caught up.

With this change in our operation we do ask your cooperation for the time being. Please respect other's by only two people in our lobby at a time. If you are sick with any illness, please reschedule your appointment until you are well. This is to protect my staff so they can continue to remain open and serve you.

Due to the close environment of the jail facility and the need to protect our persons in custody, as well as our staff, restrictions will remain in place for the immediate future.

As I have always said, if you have questions about the Crook County Sheriff's Office, or of me as your Sheriff, please contact my office and arrange a time that we can meet. To this date since this crisis began, I have only have one person from the community call and asked to meet with me over the issues that we are facing.

Going forward I ask that you please allow the county officials to work to get Crook County up and running again. We can make this happen by all working together. If we are not united, then we are divided and that cannot be good for our economy or our lives.

Sheriff John Gautney

Central Oregon / Government-politics / News / Top Stories



November 18, 2020

**Honorable Governor Kate Brown
900 Court St. NE, Room 254
Salem, OR 97301**

Dear Governor Brown,

We appreciate and understand the challenges you have faced as our Governor during this challenging time in Oregon. We have seen improvements in the response to COVID-19 and the executive decisions you have made that have slowed the spread of the virus. In our roles as state legislators, county commissioners and judges, and regional leaders, we've encouraged every effort available to do the same.

A one-size-fits-all approach to shutting down the state was logical and appropriate in March when the onset of this pandemic was new and was unknown. Over time, we have learned, adapted, adjusted and improved. Keeping counties and regions in a Phase II for an indefinite period of time is a one size fits all approach that does not work any longer.

It is time to re-evaluate the metrics and the ever-changing goal posts related to slowing the spread of COVID-19 in our rural, semi-rural, eastern and frontier communities. We have shut down for months, we have met the metrics required, we have followed the goal posts as they've moved, we have adhered to the rules, we have slowed the spread—and yet, our counties, communities, small businesses, K-12 schools, childcare and colleges, health departments and more, sit in a stale and stagnant state without forward progress. We have done and continue to do all that is within our capacity to slow the spread of COVID-19, and now, some of our border counties are being directly affected by decisions and actions from outside our state over which we have no control.

This is not a sustainable position for our communities.

Our COVID-19 cases will ebb and flow over the next several months just as they have over the last several weeks. This metric is not a reliable indicator of the situation. The metric that is most important to reconsider at this time is the original goal of ensuring there is adequate hospital capacity and not overwhelming our medical facilities. We have met this goal from the onset and continue to meet this goal. This must be the benchmark for future conversations on how we learn to live with COVID-19.

There is still much we don't know about COVID-19, but what we do know is the continued closure and limitations under these guidelines disproportionately impact women, single-parent homes, rural communities and small businesses. Our students are struggling in their education

as well as their mental and emotional fitness, families have been stressed to the maximum, and decade-old businesses that are the lifeblood of our Oregon communities have closed for good.

Over the past few weeks, we have safely met with school superintendents, the ODE Director, county sheriffs, county public health authorities and agency representatives to discuss how we move forward.

We must make significant changes to the way our systems are being managed going forward. It is not realistic or sustainable to continue in Phase I or II, as currently described, for our districts, counties and communities wherein.

We propose four areas for change:

- 1. Restaurants and bars:** Our hospitality industry, restaurants and bars must be able to stay open. The data shared by OHA does not show any indication that our restaurants and bars are the cause of increased cases. In addition, our hospitality industry is responsible for employing tens of thousands of Oregonians and keeping our already-fragile economy moving. Our restaurants and bars need to be able to extend their hours beyond the arbitrary closing time of 10:00pm and need to safely expand their indoor occupancy especially as we head into the holiday season and winter when indoor restaurants, lodging and tourism activity will grow. We are at risk for nearly 40% of our remaining businesses closing in the next six months if we do not allow for reasonable expansion of these services and industries.
- 2. Schools:** Our schools need to be allowed to fully re-open for in-classroom learning, and our students need to be allowed to participate in extracurricular activities. All teachers, students, staff, and volunteers that want to return to in-person learning should be able to do so in a safe manner. All teachers, students, staff, and volunteers that desire to continue CDL should be able to do so. If it is safe for college athletes to return to sports, assuredly it is safe for high school students. Parents need to be able to return to work, and our students and teachers need the stability of the classroom.
- 3. State Agencies:** We need to reopen our state agencies at all levels, including and specifically DMVs, across the state. We would argue, and assume you would agree, that our state agencies and state employees are essential. These agencies are funded with public dollars and our public needs full access to these essential services.
- 4. Religious institutions:** Release our churches and places of worship. While outliers will exist as the exception, most churches and places of worship will be and have been more than scrupulous in protecting their congregations from harm from COVID-19. Give pastors, religious leaders and governing boards the latitude to exercise their best judgement for safety.

We have been living with extreme difficulty with COVID-19 for over eight months and have taken the necessary precautions during this time, but we have another six, 12, 18 months, or longer to go as we continue to understand this pandemic. Further shutdowns are not

sustainable. We must adapt our Phases to allow for therapeutic remedies that appear to be on the horizon.

At this juncture, by not allowing our kids to go to school, our parents and families to work, our agencies to open for services, and our small businesses to reopen for business, we are failing our state and devastating the lives of tens of thousands of Oregonians. Our rural communities are being left out and left behind. As leaders, we are failing our constituents and the future of our state's survival is at risk.

We urge you to consider a more realistic approach and set a course of action that allows for freedoms, safety, and sustainability to work in conjunction with one another. In order to accomplish this, we must empower our local public health authorities to work with the local elected leadership, both of whom fully know local situations, to work together and in partnership with the OHA to move forward with what can become a regional version of Phase II-A and Phase II-B.

We are having these conversations now, and more importantly, we are taking the necessary steps to develop these plans so we can act and move our unique regions forward towards a sustainable, viable future. Something has to change, and we're prepared to move ahead.

We have a simple ask.

As the leaders chosen by Oregonians to represent their best interests and be their advocates, throughout and across our beautiful state, we would ask that the Governor and Governor's office participate in these meetings and work with us, assess the proposals and plans we put forward, and consider the options we will be recommending for your consideration and approval.

We look forward to hearing from you soon.

Sincerely,



Senator Lynn Findley
Senate District 30



Rep. Mark Owens
House District 60



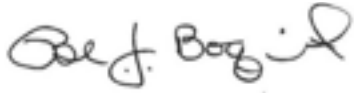
Senator Bill Hansell
Senate District 29



Senator Kim Thatcher
Senate District 13



Senator Fred Girod
Senate District 9



Senator Brian Boquist
Senate District 12



Senator Chuck Thomsen
Senate District 26



Rep. Greg Barretto
House District 58



Rep. Raquel Moore-Green
House District 19



Bill Harvey
Baker County Commissioner



Mark Bennett
Baker County Commissioner



Jerry Brummer
Crook County Commissioner



Rep. Shelly Boshart-Davis
House District 15



Rep. Mike Nearman
House District 23



Rep. Bill Post
House District 25



Rep. Rick Lewis
House District 18



Rep. Carl Wilson
House District 3



Rep. Elect and
Commissioner Lily Morgan
House District 3



Rep-Elect Bobby Levy
House District 58



Patti Adair
Deschutes County Commissioner



Tony DeBone
Deschutes County Commissioner



Jim Hamsher
Grant County Commissioner



Sam Palmer
Grant County Commissioner



Pete Runnels
Harney County Commissioner



Patty Dorroh
Harney County Commissioner



Kristen Shelman
Harney County Commissioner



Mae Huston
Jefferson County Commissioner



Donnie Boyd
Klamath County Commissioner



Derrick DeGroot
Klamath County Commissioner



Kelley Minty Morris
Klamath County Commissioner



Mark Albertson
Lake County Commissioner



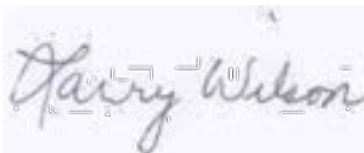
Brad Winters
Lake County Commissioner



James Williams
Lake County Commissioner



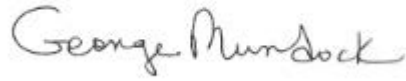
Donald Hodge
Malheur County Commissioner



Larry Wilson
Malheur County Commissioner



Dan Joyce
Malheur County Commissioner



George Murdock
Umatilla County Commissioner



Melissa Lindsay
Morrow County Commissioner



John Shafer
Umatilla County Commissioner



Don Russell
Morrow County Commissioner



Paul Anderes
Union County Commissioner



Jim Doherty
Morrow County Commissioner



Matt Scarfo
Union County Commissioner



Todd Nash
Polk County Commissioner



Donna Beverage
Union County Commissioner



Craig Pope
Polk County Commissioner



Susan Roberts
Wallowa County Commissioner



Bill Elfering
Umatilla County Commissioner



Mary Starrett
Yamhill County Commissioner



Oregon Senate Republicans

FOR IMMEDIATE RELEASE

December 2, 2020

Contact: Kate Gillem

kate.gillem@oregonlegislature.gov

Governor Brown Plans to Close Multiple State Prisons, Disregards Public Safety

SALEM, Ore. – Governor Kate Brown publicized her intentions to close three state corrections facilities, two in rural Oregon, at her budget press conference yesterday.

Senate Republican Leader Fred Girod (R-Lyons) issued the following statement:

“I am deeply concerned for Oregonians’ public safety with Governor Brown’s decision to close three state prisons yesterday. There is a potential for an increase in crime, especially when there are no details on who is being released or relocated.

“Before the Legislature does anything, Governor Brown must share the plan of where inmates will go, who will be released and how law enforcement, vendor and support staff jobs will be protected.

“Two of the prisons are in rural Oregon communities already under significant stress due to the COVID-19 lockdowns, and the years of neglect as the Portland area has been given priority.

“Governor Brown’s decision to close multiple corrections facilities, along with the early release of inmates this year, and the 2019 bill that narrowed the use of the death penalty, are examples of the disturbing trend that she does not value Oregonians’ public safety and is determined to undermine the Oregon criminal justice system to earn political points.”

Mill Creek Correctional Facility in Salem is slated to be the first closure in July 2021 with Shutter Creek Correctional Institution in North Bend next, and Warner Creek Correctional Facility in Lakeview to follow.

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from the office of
Senator Dennis Linthicum

PRESS RELEASE

FOR IMMEDIATE RELEASE

December 9, 2020

Contact: Kate Gillem

kate.gillem@oregonlegislature.gov

Sen. Linthicum: “Every business is essential because every business employs people who rely on their jobs to feed their families.”

Klamath Falls, OR. – Today, Senator Dennis Linthicum (R-Klamath Falls) issued a statement about the unconstitutional government response to COVID-19 that has led to the destruction of Oregonians’ livelihoods while big government has grown exponentially.

Senator Linthicum said:

“Oregonians’ constitutional rights are under attack with the never-ending statewide lockdowns that cause significant destruction. Governor Kate Brown and her bureaucratic demolition crew continue to ladle cash and benefits to their own, while penalizing small business owners, especially those in the food service industry. Oregonians across all economic classes are being horrifically harmed by the governor’s crafty, pernicious, and unconstitutional mandates.

“Every business is essential because every business employs people who rely on their jobs to feed their families. With COVID-19 as the scapegoat, the government has created arbitrary rules that determine winners and losers in its preparation to invade every aspect of Oregonians’ lives, eliminating free enterprise and American liberty in the process. Logical, data-driven and science-based policy decisions, rationally understood, would not put Oregonians in this predicament, especially when the infection fatality rate is startlingly low.

“Led by Gov. Brown, the government has prioritized its gluttonous coffers over the hard-working Oregonians who pay their salaries.

“The detrimental impacts inflicted by Gov. Brown’s public health and government chums will take decades to repair and the only solution is to free Oregonians so they may get back to their own lives.”

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Sheriff

Sheriff Bob Songer



Sheriff Songer's Statement Regarding Governor Inslee's Proclamation

Governor Inslee's orders pertaining to public gatherings or businesses operating in violation of his orders in my opinion is a violation of our citizens' constitutional rights under the First Amendment, Second Amendment, and other Amendments of the US Constitution and Washington State Constitution.

Not allowing citizens to attend church or firearm dealers to conduct business is a violation of the First Amendment and the Second Amendment, but the Governor has no problem allowing marijuana shops to stay open for business.

As Sheriff I will uphold our citizens' constitutional rights and liberties and will NOT ENFORCE Governor Inslee's COVID-19 Proclamation Orders on public gatherings and non-essential businesses.

No crisis should ever violate a citizen's liberty or God-given rights under our US Constitution or Washington State Constitution.

Bob Songer
Klickitat County Sheriff



Lewis County Prosecuting
Attorney's Office

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Chehalis, WA 98532
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TDD: (360) 740-1480

TO: WHOM IT MAY CONCERN
FOR IMMEDIATE RELEASE

FROM: JONATHAN L. MEYER, PROSECUTING ATTORNEY *JLM*

DATE: DECEMBER 3, 2020

RE: LETTER TO GOVERNOR INSLEE

The Prosecutor and Sheriff of Lewis County have signed and emailed the *attached* letter to Governor Inslee regarding COVID-19 response in Lewis County.

Please contact either the Lewis County Sheriff's Office or the Lewis County Prosecuting Attorney's Office with any questions.

It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards.



December 3, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Governor Inslee:

Since the beginning of the Pandemic, the State of Washington has taken lead role as to how to address the spread of COVID-19. To that end, the State of Washington has imposed various restrictions upon the citizens of the State of Washington, their activities, and their livelihoods. The State of Washington has then looked to local communities to voluntarily comply and, if there is not voluntary compliance, to local authorities to seek compliance either through administrative or criminal coercion.

While some restrictions may be appropriate, the State has failed to effectively communicate sufficient information or rationale for much, if not most, of the restrictions. The State has also failed to provide adequate resources or guidance to local authorities saddled with much of the "enforcement" role resulting from the State's mandates. As a result, the ability for local authorities to address and enforce the State's pandemic restrictions are simply too burdensome on smaller communities such as Lewis County.

In addition to the State imposed mandates, Lewis County has seen increases in domestic violence, drug abuse, drug related deaths, suicides, homelessness and myriads of other physical health, mental health, and crime related issues. These additional stressors on already limited resources requires Lewis County to best allocate resources and prioritize our responses.

Lewis County's response and the compliance of its citizens has, to this point, been exemplary. Lewis County was among the leaders in the state getting children back into safe learning environments. While Lewis County still encourages its citizenry to be proactive in preventing the spread of COVID-19, the enforcement of the regulations must fall to the State. By allowing the State to enforce its COVID-19 related mandates, Lewis County will be able to allocate resources to the consequences resulting from the restrictions, not the disease itself.

It is the Mission of the Lewis County Prosecutor's Office to zealously seek justice in all criminal matters, consistently promote public confidence in the legal system, and diligently represent county government while adhering to the highest ethical and moral standards.

Given that the State of Washington has much the same jurisdiction as Lewis County, the State is able to enforce its orders regarding pandemic related restrictions. If law enforcement is needed to assist the State in enforcing the restrictions, the Washington State Patrol (WSP) has authority throughout the State of Washington, including Lewis County to assist the State as needed. If the WSP decides to file charges within the Lewis County District Court or decides to refer charges to the Lewis County Prosecutor's Office, those matters will be reviewed and handled on a case by case basis.

We hope, as the one that created and imposed these restrictions, you will acknowledge the measures taken thus far have not achieved the desired impact on the spread of COVID-19. You should also acknowledge the restrictions have had a devastating impact for many in ways far greater than the health risks posed by COVID-19. While the health risks are an important factor, how does one measure the loss of hope, the despair, or the desperation felt. Unfortunately, those are being measured in increases in ways pandemic numbers do not capture.

As Governor, you can take much action unilaterally, and you have shown your willingness to do so. As you encourage the citizens to work together to get through this difficult time, we too encourage you to work with the legislature to find the best approach and curb the spread of COVID-19 and addressing the issues, often times more serious, that have resulted from the State's restrictions.

Sincerely,



JONATHAN L. MEYER
Prosecuting Attorney



ROBERT SNAZA
Sheriff