



## EXECUTIVE ORDER NO. 21-15

### **RESCINDING ALL REMAINING COVID-19 RESTRICTIONS; CONTINUING STATE EFFORTS TO SUPPORT ONGOING COVID-19 VACCINATION, RESPONSE, AND RECOVERY EFFORTS**

As we near the end of June 2021, we have truly entered a new chapter of the Covid-19 pandemic. In March 2020, when I first declared a Covid-19 state of emergency and issued my “Stay Home, Save Lives” executive order, we had no vaccines to protect ourselves, our loved ones, and our communities from Covid-19. Physical distancing, masks, and limits on gathering sizes were among our primary defenses against this deadly disease.

Throughout this pandemic, I have followed science and data and the advice of doctors and health experts to guide my decisions. Right now, in Oregon, we are quickly approaching the point where 70 percent of Oregon’s adult population will have received at least a first dose of vaccine. We are also seeing declining rates of Covid-19, driven by the widespread availability and adoption of safe and effective vaccines. As a result of these developments, I find that statewide restrictions to control the spread of Covid-19 will no longer be necessary at the end of this month. Accordingly, this Executive Order provides that, not later than June 30, the executive orders that required health and safety restrictions to keep Oregon safe for the past year shall be lifted. This includes the complete rescission of Executive Order 20-66, the successor of my original “Stay Home, Save Lives” and “Safe and Strong Oregon” orders, which contains the authorities for the county risk level framework, statewide mask mandate, and business and other sector capacity and physical distancing restrictions, among other pandemic-related restrictions.

On March 14, 2020, Oregon recorded its first Covid-19 related death, a veteran in Multnomah County. As of today, 2,760 Oregonians have lost their lives due to Covid-19 related illness. There are families, loved ones, and friends who grieve each life lost. But, by working together to wear masks, physically distance, and keep each other safe, we have saved thousands more. Pandemic-related restrictions, together with the extraordinary sacrifices made by Oregonians to protect their communities from the spread of the disease, have helped keep Oregonians safe. Because of our collective efforts, Oregon has had one of the lowest per-capita case counts in the nation, saving thousands of lives. Oregon ranks 3rd lowest in the nation for infection rate, and 5th lowest for deaths per 100,000 residents, and has consistently ranked among the lowest in the nation for the deaths per 100,000 individuals over the age of 65.





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The arrival of safe and effective vaccines in December 2020 marked a new, hopeful phase, but vaccines are most effective in protecting our communities when adoption is widespread. We worked our way, together, through the early days of painfully limited supply of vaccine, and, incredibly, have now vaccinated more than 2.3 million Oregonians in less than seven months. As of June 23, Oregon is ranked 22nd highest among states for vaccination rate of those 18 years and older and has the 14th highest vaccination rate for ages 12-17. Thanks to tireless efforts by state and local public health agencies, hospitals and health systems, pharmacies, Oregon's federally recognized Tribes, community organizations, and so many others, lifesaving vaccines are readily available to any Oregonian over the age of 12 who wants one. By the end of this month, we will have reached the critical point where the widespread use of vaccines, not health and safety restrictions, is our first and primary defense against Covid-19. And that means our state's approach must evolve as we enter a new phase of our response.

Because of this success and the widespread availability and uptake of safe and effective vaccines, we can take this next step and roll back restrictions here in Oregon. Effective June 30, 2021, or when the state crosses the threshold of 70% first dose vaccinations for those 18 and older, whichever is earlier, I am ending these restrictions. Specifically, as of that date, I am rescinding orders that impose mask mandates, capacity limits, expanded capacity limits that depend on vaccine verification, and physical distancing in businesses and other sectors; all of these emergency order based restrictions will end. I am ending the order imposing restrictions on higher education; I am rescinding the requirement that childcare providers must be approved as emergency childcare facilities, while continuing to offer flexibility for temporary unlicensed emergency childcares and other providers during this transition period; I am returning decision-making regarding the health and safety of students in K-12 schools to local school districts with clear direction to the Oregon Department of Education and Oregon Health Authority to provide guidance for transparent and accountable local planning process; and I am rescinding restrictions designed to ensure adequate capacity and personal protective equipment in healthcare settings.

There will be some specialized settings like healthcare, public transportation, correctional facilities, and certain other congregate settings where enhanced Covid-19 precautions will be necessary for an additional period of time, following federal guidance. However, the infection control and prevention measures in those settings will not be based on my emergency authorities but rather, required by independent federal or state regulatory or enterprise authorities. For schools and childcare, we will return to the ordinary regulatory structure, with a





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focus on ensuring transparency so that parents, students, staff, teachers, and community members understand the health and safety decisions being made in those settings by school districts and childcare providers.

Although we should all take pride in our collective efforts, we must remember that Covid-19 is still a worldwide threat, as communities, states, and nations with low vaccination rates continue to see outbreaks. We must remain vigilant. Covid-19 remains a significant threat in Oregon, especially to those who are unvaccinated. New, more contagious variants continue to spread, both around the world and here at home. As of this week, approximately 33% of eligible Oregonians age 12+ have not received any vaccination. When you look at the entire population in Oregon, approximately 42% of all Oregonians—including children who are not yet eligible for vaccination—remain unvaccinated. While widespread vaccination among the eligible population has dramatically reduced the spread of Covid-19 and provided protection to some of our most vulnerable Oregonians, Covid-19 is likely to be present in our lives for months to come.

The lasting impacts of the hardships Oregonians have borne during the pandemic will be with us for longer still. In Oregon, we know that the crisis is not finished at the end of a flood or wildfire season—that is the point when the long recovery effort to rebuild begins. Thanks to unprecedented federal resources and a strong state economy, Oregon is well-positioned for a robust recovery. Indeed, there are signs that Oregon's economy is rebounding. The unemployment rate was 5.9% in April and May 2021—the first time Oregon's rate was below 6% since March 2020 when the state's rate was 3.6%—and Oregon has recovered 62% of the jobs lost between February and April 2020. Many businesses are beginning to expand their hours and services in anticipation of the full lifting of restrictions and in response to rising consumer confidence. While a return to pre-pandemic employment is closer at hand for several major industries that were less impacted by the Covid-19 recession (trade, transportation, and utilities; financial activities; information; construction; and professional and business services), other sectors still have a long way to go, including leisure and hospitality, as well as local government.

While we see encouraging signs, communities and economies do not recover overnight. Our burgeoning economic recovery is still fragile, and many of the businesses that have managed to make it through these unprecedented times lack the resources to cushion additional blows. As a result, any further disruptions could set the recovery back. As a state, we must do everything we can to ensure that we retain the flexibility to design and implement programs to rapidly respond to emerging needs to support businesses, workers, and the Oregon economy.





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As we transition to a sense of normalcy, the next phase of our statewide response will require us to redouble our efforts to help our communities recover from the economic toll of this pandemic. Those economic effects have been significant and have had a disproportionate impact on Oregon's most vulnerable communities. There is no question that this pandemic has imposed substantial hardships and has required incredible sacrifices from Oregon children, families, and businesses. This sacrifice has not been easy for any of us, and, exacerbating inequities that existed before the pandemic, has disproportionately impacted Black, Latino, Latina, Latinx, Asian, Pacific Islander, and Tribal individuals, and communities of color

Put simply, we are entering a new phase in our fight against Covid-19. We will get through this next phase towards full recovery the same way we got through the first—by working together.

As I did last fall after when I issued an emergency order to support recovery from the Labor Day wildfires, today I am also extending emergency authorities necessary for Oregon to access federal and state funding, ensure adequate healthcare and vaccination resources, and maintain flexibility, as we focus relentlessly on our state's recovery from Covid-19. There is much work that remains to be done during this pandemic. Similar to the role that those same emergency authorities played earlier this year, after our state shifted from wildfire response to wildfire recovery efforts, the existing Covid-19 state of emergency declaration will play an essential role in helping us build back a strong, more just, and equitable Oregon while facilitating recovery efforts that are critical to every community in this state.

To be clear, in this new phase of our response, statutory emergency authorities will be used at the state level for the limited purpose of resilience and recovery, not to impose or renew statewide pandemic restrictions.

For the reasons described above, I find that it is no longer necessary or advisable for me to use my emergency authorities to impose mandatory public health restrictions, such as statewide mask mandates or state-mandated capacity limits and physical distancing requirements for gatherings, businesses, and other sectors.

Instead, the state will draw on those emergency authorities to support Oregon's recovery. Among other things, emergency authorities are essential for:

- Vaccination Efforts. Emergency authorities will help facilitate vaccination uptake around the state by allowing the state and other vaccine partners the flexibility to use health care providers and National Guard medics who may





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not be licensed in Oregon to provide vaccinations, as well as volunteer vaccinators.

- Federal Funding. Existing state authorities will also ensure that Oregon and Oregonians receive necessary federal aid, such as Federal Emergency Management Agency (FEMA) funding, enhanced Supplemental Nutrition Assistance Program (SNAP) benefits, and other enhanced federal benefits.
- Health Systems Resources: Emergency authorities also will ensure that our health systems and local public health authorities have the staffing, resources, and flexibility they need to respond to Covid-19 outbreaks in the months ahead. In addition, the state of emergency gives the state the ability to, if necessary, continue to stand up and maintain designated emergency health care centers, with special liability protections, which provide long-term care of Covid-19 positive individuals who cannot be placed in normal facilities.
- Interstate Procurement; Emergency Procurement: The emergency declaration allows Oregon, through the Office of Emergency Management, to make requests of other states through interstate emergency compacts (e.g., procuring personal protective equipment from California). There are also emergency procurement authorities that allow for quicker procurement.
- Childcare: A number of childcare facilities providing emergency childcare under my emergency directives cannot continue to operate absent an emergency directive, as they do not hold underlying childcare licenses and may not meet other requirements. Extending the state of emergency allows those facilities to continue to operate for a period of time to either become licensed or transition families to other childcare operators.
- Rule Suspension: The emergency declaration allows agencies to suspend administrative rules when necessary for the state's response and recovery efforts. Currently suspended rules are listed here:  
<https://www.oregon.gov/gov/Pages/OAR-temporary-suspensions.aspx>.
- Continued Flexibility for Emergency Response and Recovery: Certain statutes enacted by the Legislature to aid in the pandemic response and recovery efforts—including K-12 school liability protections; authorization for data-sharing between the Oregon Department of Revenue and the Oregon Employment Department for ease of processing unemployment insurance claims; and extensions of certain





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court deadlines—are drafted to end once the state of emergency ends. Similarly, a number of regulations and licensing board actions allow extra flexibility around healthcare staffing, including for example flexibility around nurse staffing and more flexible supervision of pharmacy technicians—but only during a state of emergency. Continuing this flexibility during the recovery period will help Oregon manage the transition back to “normal order” in a manner that is smooth and less disruptive.

In light of these findings—particularly the shifting nature of our state’s response, and the need to focus on recovery—I am, not later than June 30, 2021, revoking the substantive public health restrictions around face coverings, physical distancing, capacity limits and other requirements that are no longer necessary and advisable, but continue the underlying state of emergency in place, for the limited purposes of the Covid-19 response and recovery effort ahead that I have outlined above.

### **NOW, THEREFORE, IT IS DIRECTED AND ORDERED:**

Pursuant to my authorities under ORS Chapter 401, I am issuing the following directives:

#### **Definition**

1. Effective Date. For purposes of this Executive Order, the term “Effective Date” means either 12:01 a.m., June 30, 2021, or the day the director of the Oregon Health Authority notifies the Governor that 70% of Oregonians age 18 or older have received at least one dose of a Covid-19 vaccine, whichever is earlier.

#### **Rescission of All Remaining Pandemic Executive Orders**

I hereby rescind the following pandemic-related restrictions and executive orders, as of the date listed for each individual executive order in paragraphs 2 through 6 below:

2. Executive Order 20-66 (County Risk Framework). Executive Order 20-66, the successor of my original “Stay Home, Save Lives” and “Safe and Strong Oregon” orders, which contains the authorities for the statewide mask mandate and business and other sector capacity and physical distancing restrictions, among other pandemic-related restrictions, is rescinded, as of the Effective Date.





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3. Executive Order 20-22 (Non-urgent Healthcare Procedures). Executive Order 20-22 is rescinded, as of the Effective Date.
4. Executive Order 21-06 (K-12 Schools). Executive Order 21-06 is rescinded, as of the Effective Date.
  - a. As superintendent of public instruction, it is my expectation that all public schools will operate full-time, in-person, every school day, during the 2021-2022 school year.
  - b. I also expect that local school districts will comply with applicable statutes and administrative rules, and will review, consider, and implement as appropriate, relevant advisory guidance from the Federal Centers for Disease Control, the Oregon Department of Education, and the Oregon Health Authority.
5. Executive Order 20-28 (Higher Education). Executive Order 20-29 is rescinded, as of the Effective Date.
6. Childcare.
  - a. Executive Order 20-19 (Childcare Facilities). Executive Order 20-19 is rescinded, as of the Effective Date.
  - b. Ordering Additional Flexibility through September 1, 2021. For purposes of ensuring continuity of care and facilitating a flexible and orderly transition away from the structures created by Executive Order 20-19, and pursuant to my authorities under ORS Chapters 401 and 433 and this Executive Order, I order the following, from the Effective Date through September 1, 2021, only:
    - i. Any entity that has been approved as a temporary unlicensed emergency childcare facility under Executive Order 20-19 may choose to continue to operate as a temporary unlicensed emergency childcare facility if it meets and complies with all requirements for emergency childcare as provided by the Early Learning Division, including any conditions imposed on the emergency childcare approval. The Early Learning Division may issue guidance to implement this directive.





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- ii. A childcare worker may satisfy the requirement to be enrolled in the Central Background Registry through an Emergency Background Check to the extent allowed and in accordance to guidance issued by the Early Learning Division. The Early Learning Division may issue guidance to implement this directive.
- iii. A program contracted by a school or school district to provide summer learning programming and operating in a school facility may operate without being licensed by the Office of Child Care or approved as an emergency child care facility.
- c. It is my expectation that, with the exception of the flexibility allowed in paragraph 6(b), above, moving forward, all childcare providers and facilities will comply with applicable statutes and administrative rules, and will review, consider and implement as appropriate relevant advisory guidance from the federal Centers for Disease Control, the Oregon Health Authority, and the Early Learning Division.

### **Emergency Declaration to Support Recovery Efforts**

- 7. Executive Order 20-03 Extended to Support Recovery. Pursuant to ORS 401.165, and based on the findings above, I find that although we have reached the point where using emergency authorities to impose statewide pandemic-related business and public health restrictions to control the spread of Covid-19 is no longer necessary or advisable, the ongoing threat from Covid-19 and the needs associated with Oregon's ongoing efforts to respond to and recover from the effects of the Covid-19 pandemic constitute an ongoing statewide emergency. Thus, effective today, June 25, 2021, I hereby extend Executive Order 20-03, and the state of emergency declared therein, for the duration of this Executive Order, as set forth in paragraph 11 below.
- 8. Access to Federal Recovery Assistance and Support. The extension of Executive Order 20-03 set forth in paragraph 7 of this Executive Order is intended in part to ensure that Oregon can continue to receive any federal funding, support, and other assistance with the Covid-19 response, including but not limited to funding and support from FEMA for Covid-19 response activities and continued state eligibility for enhanced SNAP benefits.



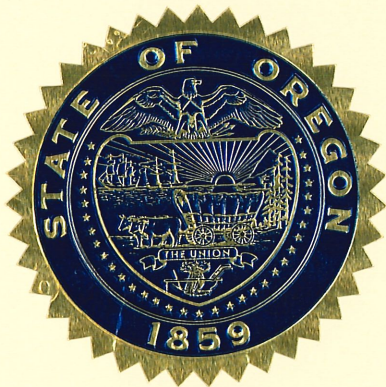


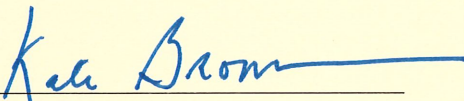
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**Other Provisions**

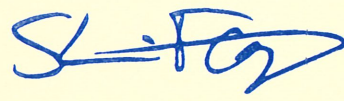
9. Discretion. No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.
10. Legal Effect. This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236, and, pursuant to ORS 401.192, has the full force and effect of law.
11. Duration. This Executive Order shall remain in effect until December 31, 2021, unless extended or terminated earlier by the Governor.

Done at Salem, Oregon, this 25<sup>th</sup> day of June, 2021.



  
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Kate Brown  
GOVERNOR

ATTEST:

  
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Shemia Fagan  
SECRETARY OF STATE