

Electronic Alert

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Oregon Executive Order Shuts Down Specific Businesses & Tightens Social Distancing Measures for Others

By Andrew Schpak & Daniel Walker

Today, Oregon Governor Kate Brown issued Executive Order No. 20-12, requesting all Oregonians – except those explicitly noted below – to stay home “to the maximum extent possible.” The Order is effective immediately and remains in effect until ended by the Governor.

Unlike the Shelter-in-Place order by California, the Order does not require business closures based on essential and non-essential services. Rather, the Order closes certain businesses that require close personal contact and demands all other businesses implement strict social distancing.

Gatherings

All non-essential social and recreational gatherings outside of the home “regardless of size” are prohibited. Recreational activities are allowed, but only if 6-foot social distancing can be maintained at all times.

Business Closures

Starting March 24, 2020, the following business are ordered to close indefinitely:

- **Shopping:** Includes furniture stores, jewelry shops and boutiques (unless the shop can provide goods exclusively through pick-up or delivery service), and indoor and outdoor malls (**NOTE:** mall businesses not subject to the closure, such as food, grocery, medical, pharmacy, or pet store services may remain open).
- **Entertainment:** Includes amusement parks, aquariums, arcades, art galleries (to the extent that they are open without appointment), bowling alleys, dance studios, fraternal organization facilities, hookah bars, indoor party places (including jumping gyms and laser tag), museums, non-tribal card rooms, skating rinks, senior activity centers, ski resorts, social and private clubs, tattoo/piercing parlors, theaters, and youth clubs.
- **Grooming/Personal Care:** Includes barber shops and hair salons, cosmetic stores, esthetician practices, spas (medical, day, facial), non-medical massage therapy services, and nail and tanning salons.
- **Fitness:** Includes gyms and fitness studios (including climbing gyms), tennis clubs, and yoga studios.

Restaurants, bars, and coffee shops may remain open to provide take-out or delivery service subject to the Governor's prior order prohibiting on-premises consumption of food.

Retail Businesses

Retail businesses not specifically required to close may remain open if they designate an employee or officer to establish, implement, and enforce social distancing policies consistent with guidance from the Oregon Health Authority. Businesses that fail to comply will be closed until they demonstrate compliance.

Workspace Restrictions

Businesses and non-profits are required to utilize telework and work-at-home "to the maximum extent possible." Work in offices is specifically prohibited if telework or work-at-home measures are available.

Businesses and non-profits that are unable to facilitate remote-work must establish, implement, and enforce social distancing policies consistent with Oregon Health Authority guidance. The Order requires that these policies address "how the business or non-profit will maintain social distancing protocols for business-critical visitors." This extends to all business, including non-retail businesses such as manufacturing and construction.

Businesses that fail to comply with social distancing will be closed until they demonstrate compliance.

Childcare Facilities

Beginning March 25, 2020, and through April 28, 2020, childcare facilities are required to keep children in "stable" groups of 10 children or less and in classrooms that cannot be accessed by children outside the stable group. Children of parents working in health care and emergency response are prioritized for childcare. Facilities that cannot accommodate these requirements must close.

Travel

Travel is to be minimized to essential travel needs (i.e. food, shelter, necessary consumer items, etc.). Travel to and from work is considered essential under the Order.

Enforcement

State and local law enforcement officials are empowered to enforce the Order. It is unclear how law enforcement will handle business non-compliance. Individuals who violate the Order may be subject to a Class C misdemeanor.

The Order sharply curtails social contact, but does leave room for businesses to continue their operations. We are closely following these developments and are available to address employer-specific questions and concerns.

For questions on this Executive Order, or for any other questions about the circumstances created by COVID-19, contact Andrew Schpak or Daniel Walker at 503-228-0500, or at aschpak@barran.com or dwalker@barran.com.