



Mannix Publishes Guidelines for Coronavirus Action

For Release:

June 8, 2020 - Common Sense for Oregon President Kevin Mannix has prepared and distributed a set of twenty guidelines which reflect actions that can be taken by the Oregon Governor and Executive Branch in regard to the coronavirus pandemic, without issuing lockdown orders to businesses and churches.

Kevin Mannix issued the following statement as President of Common Sense for Oregon:

"We recognize that there is a legitimate public concern with protecting everyone from the coronavirus pandemic. At the same time, there is a legitimate public interest in seeing that the laws are observed, and in respecting religious freedom and the capability of businesses to carry on their work.

"Our litigation challenging the Governor's lockdown Executive Orders focuses on the fact that she has violated the law, which restricts her capability to issue closure orders to 28 days from the initial declaration of public health emergency. Yet we have also pointed out to the Oregon Supreme Court that there are many actions which may be taken without having to issue closure orders beyond the 28 days allowed by law.

"In order to give everyone a good idea about how these laws operate, Common Sense for Oregon has created a list of twenty things the Governor and the Executive Branch can do to deal with the coronavirus pandemic without ordering shutdowns of businesses and churches. We have attached this list for the benefit of the media and the public. We will put this list on our website.

"We seek a balanced approach to this coronavirus pandemic which has been lacking in the orders issued by the Governor. We are pleased that she is beginning to reduce those restrictions, but the fact remains that she has relied on powers which are not authorized by Oregon law. We stand in favor of the rule of law as well as the application of that law in a fair fashion."



Twenty Things the Governor and Executive Branch Can Do to Deal with the Coronavirus Pandemic Without Ordering Shutdowns of Businesses and Churches

1. If the Public Health Director determines that there is a communicable disease or epidemic which has affected more than one county, the Public Health Director may:
 - a. **Coordinate** the Public Health response across the involved counties
 - b. **Prescribe** measures for identification, assessment and control of the communicable disease
 - c. **Allocate and distribute** serums, vaccines, immunizing agents, and other medical treatments and pharmaceutical agents, or **medical supplies**, or **personal protective equipment**
 - d. Create and require the use of **diagnostic and treatment guidelines** and provide notice of those guidelines to health care providers, institutions, and facilities
 - e. Require a person to obtain **treatment** and use appropriate preventative measures to prevent the introduction or spread of a communicable disease
2. Issue **Guidelines** for private businesses regarding appropriate work restrictions.
3. Adopt **reporting requirements** by health care providers, institutions and facilities for the purpose of obtaining information related to the epidemic.
4. **Adopt temporary rules** to implement public health protection.
5. **Override standard procurement restrictions** in order to purchase anti-toxins, serums, vaccines, immunizing agents, medical supplies or personal protective equipment.
6. **Carry out a prescription monitoring program** to monitor and report on prescription drugs dispensed by pharmacies.

7. **Enter public places** to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary.
8. **Seek an administrative warrant** from an appropriate court authorizing the inspection, investigation, evaluation, or testing, or taking of specimens or samples for testing.
9. **Ensure the cooperation of local public health authorities** with state public health authorities in ensuring compliance with administrative or judicial orders issued to support public health.
10. **Organize public information activities** regarding the public health response to the epidemic.
11. Seek **voluntary isolation or quarantine** of a person or group of persons with communicable disease. If the voluntary action is refused, **petition for a court order** for isolation or quarantine. This process has specific statutory standards, including due process requirements with the right to counsel and a court hearing. ORS 433.110 through ORS 433.140.
12. **Investigate** possible violations of public health laws.
13. **Issue a notice of violation** of a public health law and impose a civil penalty not to exceed \$500 a day per violation.
14. **Issue subpoenas** requiring testimony or the production of physical or other evidence.
15. **Issue administrative orders** to enforce compliance with public health laws.
16. **Gather information in regard to the demographics of patients** who have suffered from the epidemic condition, without violating patient privacy. This includes the capability to report patient deaths attributable to communicable diseases.
17. **Maintain a civil action** to enforce compliance with public health laws.
18. **Refer any possible criminal violation** of public health laws to a District Attorney.
19. Direct a District School Board to **close a children's facility** or school under the jurisdiction of the Board.
20. Any **administrative actions** undertaken by the Executive Branch **must comply with the provisions of ORS Chapter 183**, which is the Oregon Administrative Procedures Act. This includes guarantees of **due process**.

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