**Enforcement of Executive Order**

**OMAG Legal Team:** The Governor issued a Memo yesterday (as was anticipated in the Executive Order) expanding the scope of what is a critical business in 3 fields. His memo can be read online at: <https://www.sos.ok.gov/documents/executive/1920.pdf>

Also, for criminal enforcement, see the following statutes:

[21 O.S. §1321.3](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69837): Governor can declare a State of Emergency and apply it State-wide or to certain areas within the State.

[21 O.S. §1321.4](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69838): Outlining restrictions that the Governor can impose that carry the full weight of the law. It also prohibits the Governor or any other official from prohibiting or suspending anything related to guns and ammo.

[21 O.S. §1321.6](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69840): criminal statute making it a misdemeanor to violate restrictions in an Executive Order during a State of Emergency.

[21 O.S. §1321.5](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69839): Whenever there are restrictions on the same conduct contained in other laws (statutes or ordinances) that are also addressed in the Executive Order, the most restrictive one will apply. If the other laws are more restrictive, they control, and if the EO is more restrictive then it controls. So if the Municipality has imposed greater restrictions, those local restrictions control.

[21 O.S. §1321.9](https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=69843): Municipalities can enact ordinances in general conformity with these Title 21 statutes.

63 O.S. §683.23 applies to violations of any Order or Decision issued by the Oklahoma Department of Emergency Management. I’m not clear on whether the Governor’s Executive Order would qualify as an Order from OEM, though I’m sure OEM would issue orders consistent with the EO, which then a person would be violating.

For whatever reason I couldn’t get the URL from Robert’s email to pull up, but was able to get to the website here: <https://criticalworker.ok.gov/>

**Updated:** Late yesterday the Governor also released a second Memo expanding the scope of what is a critical infrastructure industry beyond those identified by CISA. <https://www.sos.ok.gov/documents/executive/1921.pdf>

Added to the list of critical businesses include:

* Marijuana Dispensaries as well as Grow and Processing – yesterday only dispensaries were included.
* Farm supply and hardware stores. In another location they list “hardware stores, farm stores, and garden centers”.
* Beverage and tobacco manufacturing.
* Wholesale trade; Transportation and warehousing; postal services and distribution centers.
* “Utilities”
* All “miscellaneous schools and instruction”
* Courts consistent with guidance from the State Supreme Court and Court of Criminal Appeals.
* Tag agencies
* Construction Workers, including residential and commercial, and workers who support construction sites and projects. This expressly extends to residential construction.
* Plumbers, Electricians, exterminators and other service providers who provide services necessary to maintaining safety, sanitation, construction material sources and essential operation of construction sites and projects.
* Commercial retailers that supply essential sectors like convenience stores, general merchandise stores, liquor, pet supply, auto supply and repair, hardware and home improvement, and home appliance retailers.
* Motor vehicle and parts dealers; Rental car companies
* Public and private golf courses, public parks, and workers needed to maintain normal operations.
* Roofing, lawn care, foundation repair, and similar businesses in home repair and maintenance whose work is primarily outdoors.
* All government support employees.
* All HR employees
* Real Estate and leasing services
* Professional (legal and accounting as examples), scientific and technical service workers.
* Death care services
* Dry cleaning and laundry services
* Repair and maintenance.

**Enid:** Our PD is communicating and enforcing our Mayoral Proclamation.  When we get our first positive, we plan to issue a revised Mayoral Proclamation mirroring the governor’s language and the PD and code will communicate and enforce.  Fortunately, like most, we’ve had lots of voluntary compliance.

**Muskogee**: To what degree, if any, are you having your P.D. enforce the governor’s orders, especially in regard to essential and non-essential businesses? At this time, we are only having our officers enforce the rules our council has approved.

**Fort Gibson**: Fort Gibson is doing the same as Muskogee. All our businesses are essential Lol. We have had an outstanding volunteer response from our citizens and businesses to comply.

**Blanchard**: The City of Blanchard is physically going thru our list of businesses to classify as essential or non-essential in accordance with the Governor's Executive Order and the Cybersecurity Act.

Tomorrow our Fire Chief (serves as Emergency Management Director), our City Inspector (serves as our Code Enforcement Officer) and the Blanchard Police Department will visit businesses that have been deemed non-essential starting tomorrow.  Those who are open will be given a warning and direct them to the website to request to be added as an essential business.  Non-essential businesses can download a form from [www.criticalworker.ok.gov](http://www.criticalworker.ok.gov/) to request consideration to be added as an essential business.  If they physically apply, we will stop all enforcement action at that time.

Violations are prosecuted by the DA or the OAG. Title 63 Section 683.23 outlines the penalties for violating an Executive Order.