

Memorandum

March 25, 2020

To: All admitted and nonadmitted commercial liability insurers

From: Brian Fordham, Property and Casualty Program manager

RE: Child care providers

On March 8, Oregon Gov. Kate Brown declared an emergency under ORS 401.165 due to the public health threat posed by COVID-19. On March 11, the World Health Organization announced a global pandemic, and on March 13, United States President Donald Trump declared the outbreak a national emergency. COVID-19 may cause respiratory disease leading to serious illness or death, and the State of Oregon continues to prevent the spread of the virus.

Consistent with ORS 731.482, insurance companies may not withdraw from, fail to renew, or cancel any commercial liability line of insurance or class of business, such as a child care facility, without supplying appropriate written justification and approval by the Director of the Department of Consumer and Business Services.

Oregon Executive order 20-12 outlines the requirements which must be met for a child care facility to provide services. Specifically, child care must be carried out in a maximum stable group of 10 or fewer children, (stable means the same group each day), and in a classroom that cannot be accessed by children outside the stable group.

Child care facilities that comply with this executive order and follow the requirements for caring for children are not considered an increased hazard under ORS 731.482(1)(d), and an insurer cannot cancel or non-renew a liability policy for a child care facility.

Questions about this memorandum should be directed to Brian Fordham, Property and Casualty Program manager, at Brian.J.Fordham@Oregon.gov or at 503-949-8323.