EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-03-21

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS the Legislature has declared its intent to protect residents from price gouging during states of emergency, and has enacted statutes consistent with that purpose, including by strengthening existing statutory protections against price gouging through new legislation enacted during the State of Emergency proclaimed in response to COVID-19; and

WHEREAS consistent with these statutory enactments and Legislative intent, the March 4, 2020 Proclamation of a State of Emergency triggered certain protections against price gouging set forth in Penal Code 396, and Executive Orders issued pursuant to the Emergency Services Act (including Executive Orders N-44-20 and N-78-20) have further implemented protections against price gouging; and

WHEREAS the State does not intend to keep these protections in place longer than necessary under the circumstances of the emergency, and it now appears that ordinary market mechanisms may be sufficient to ensure Californians' access to many necessary goods and services; and

WHEREAS to combat the spread of COVID-19, it nevertheless remains essential to ensure that all Californians maintain uninterrupted access, on reasonable terms, to medical supplies and emergency supplies; and

WHEREAS nothing in this Order should be construed to limit the State's ability to re-impose protections against price gouging as to other categories of goods and services, and the State reserves the right to re-impose such protections if conditions warrant; and

WHEREAS in addition to protections against price gouging provided by state law, numerous local jurisdictions have determined that promoting stability amongst commercial tenancies is necessary to mitigate the impacts of COVID-19, and have therefore enacted restrictions on evictions related to commercial tenancies; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, 8627, and 8665, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) As applied to emergency supplies and medical supplies, the waiver of the time limitations set forth in Penal Code section 396, subdivision (b) (as set forth in Paragraph 4 of the March 4, 2020 Proclamation of a State of Emergency and Paragraph 1 of Executive Order N-44-20, and as extended by Executive Order N-78-20) is further extended such that, as applied to emergency supplies and medical supplies, the prohibitions against price gouging set forth in that subdivision shall remain in effect through September 4, 2021.

   This Paragraph 1 does not extend those prohibitions as to any categories of goods or services other than emergency supplies and medical supplies.

2) As applied to emergency supplies and medical supplies, the prohibitions set forth in Paragraphs 2 and 3 of Executive Order N-44-20 (and extended by Paragraph 2 of Executive Order N-78-20), prohibiting certain sales and offers of sale, are extended to prohibit such sales and offers of sale (as applied to emergency supplies and medical supplies) through September 4, 2021.

   Consistent with Paragraph 2 of Executive Order N-78-20, this Paragraph 2 extends the duration of Paragraphs 2 and 3 of Executive Order N-44-20 (as extended by Paragraph 2 of Executive Order N-78-20) as applied to emergency supplies and medical supplies; it does not otherwise alter the scope of conduct prohibited by those paragraphs.

   This Paragraph 2 does not extend the duration of Paragraphs 2 and 3 of Executive Order N-44-20 as to any categories of goods or services other than emergency supplies and medical supplies.

3) As applied to commercial evictions only, the timeframe for the protections set forth in Paragraph 2 of Executive Order N-28-20 (and extended by Paragraph 21 of Executive Order N-66-20, Paragraph 3 of Executive Order N-71-20, and Paragraph 2 of Executive Order N-80-20) is extended through June 30, 2021.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2021.

GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, Ph.D.
Secretary of State