# EXECUTIVE DEPARTMENT
# STATE OF CALIFORNIA

## EXECUTIVE ORDER N-78-20

**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 citizens from price gouging during states of emergency, and has enacted statutes consistent with that purpose; and

**WHEREAS** in particular, the March 4, 2020 Proclamation of a State of Emergency triggered certain protections against price gouging set forth in Penal Code section 396, and (pursuant to the Emergency Services Act) I have issued further Executive Orders extending and expanding those protections; and

**WHEREAS** the circumstances necessitating those protections against price gouging continue to exist, and are expected to continue to exist; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations as 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) The waiver of the time limitation 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—is further extended such that all prohibitions against price gouging set forth that subdivision shall remain in effect through March 4, 2021.

2) The prohibitions set forth in Paragraphs 2 and 3 of Executive Order N-44-20, prohibiting certain sales and offers of sale between April 4, 2020 and September 4, 2020, are extended to prohibit such sales and offers of sale through March 4, 2021.

   This Paragraph 2 extends the duration of Paragraphs 2 and 3 of Executive Order N-44-20; it does not otherwise alter the scope of conduct prohibited by those paragraphs. Through March 4, 2021, each instance in which an item is sold or offered for sale in a manner prohibited by Paragraph 2 or Paragraph 3 of Executive Order N-44-20 shall constitute a separate violation of Executive Order N-44-20 and this Order, redressable as set forth in Paragraph 4 of Executive Order N-44-20.

**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 3rd day of September 2020.

GAVIN NEWSOM
Governor of California

**ATTEST:**

ALEX PADILLA
Secretary of State