

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-12-21

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 COVID-19 vaccinations are a safe and effective means to prevent the spread of COVID-19; and

WHEREAS COVID-19 vaccinations were not widely available to adult Californians until approximately April 2021, and prior to that, non-pharmaceutical interventions such as capacity restrictions on businesses and other activities and mandatory mask wearing were the only available means of slowing the spread of the disease; and

WHEREAS California is a leader in its rate of vaccination, with 63.1% of people eligible for the vaccine having been fully vaccinated, and another 14.7% having received one shot, but 22.2% of the vaccine-eligible population remains unvaccinated, along with approximately 5.8 million children under 12; and

WHEREAS variants of COVID-19, including the variant known as the Delta variant, are even more transmissible and potentially cause more severe illness in people who are unvaccinated than original strains of COVID-19; and

WHEREAS current COVID-19 vaccines with emergency authorization are effective at reducing serious disease from the Delta variant among the fully vaccinated; and

WHEREAS the high levels of vaccination of Californians, and particularly of those most vulnerable to severe infection and death from COVID-19, along with the continued availability of the vaccine to all eligible Californians, have removed the need for restrictions on businesses and other public gatherings of the kind implemented during the pandemic prior to the availability of the vaccine; and

WHEREAS due to the spread of the Delta variant among unvaccinated people, hospitalizations have increased over 700% in the past two months and are projected to continue to increase, including an increased usage of intensive care resources by COVID-19 patients; and

WHEREAS the State has learned how to prepare its hospital system for a surge in COVID-19 hospitalizations based on its past experiences and can prevent an undue strain on the system by taking appropriate preventative measures; and

WHEREAS sufficient staffing of health care facilities is necessary to prevent a strain on the health care system due to a surge in hospitalizations; and

WHEREAS additional flexibility to hire retired teachers is necessary to assist public schools in providing continuity of educational services for students in the face of rising case rates; and

WHEREAS certain provisions of my COVID-19 related Executive Orders currently remain necessary to continue to help California respond to, recover from, and mitigate the impacts of the COVID-19 pandemic, including California's ongoing vaccination programs; 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 continue to 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, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Paragraph 39(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 3 of my State of Emergency proclaimed on March 4, 2020, shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

- 2) Paragraph 1(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health (Department) may, through December 31, 2021, waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. The Director shall not waive licensing requirements governing facility staffing ratios, except for individual facility waivers otherwise authorized by law. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

- 3) Paragraph 39(b) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 14 of my State of Emergency proclaimed on March 4, 2020, shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired. Any facility operating under a waiver pursuant to this provision may operate pursuant to such a waiver through the expiration as set forth by California Department of Social Services, or December 31, 2021, whichever occurs first.

- 4) Paragraph 40(c) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 4 of Executive Order N-25-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

- 5) Paragraph 45(a) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 2 of Executive Order N-39-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

- 6) Paragraph 45(c) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:

Paragraph 6 of Executive Order N-39-20 shall remain in place and shall have full force and effect through December 31, 2021, after which time this provision shall be deemed expired.

- 7) Paragraph 2(b) of Executive Order N-08-21 is hereby withdrawn and replaced with the following text:


To ensure adequate staffing during the state of emergency to address the impacts from COVID-19, the 180-day break in service requirement under subdivision (f) of Government Code section 7522.56 is suspended.

- 8) The requirements in subdivision (b) of Education Code section 24214.5 for the governing body of an employer to adopt a resolution in a public meeting authorizing a retired member to be exempt from the limitation under subdivision (a) of that section and in subdivision (e) of Education Code section 24214.5 for the employer to submit to the California State Teachers' Retirement System such resolution as part of documentation of the retired member's eligibility are waived.

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 16th day of August 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

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