

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS clusters of monkeypox cases with apparent local transmission were identified in multiple countries, primarily in Europe, in May 2022; and

WHEREAS on May 20, 2022, the first case of monkeypox in the United States was confirmed in Massachusetts; and

WHEREAS on May 21, 2022, an investigation began into the first case of monkeypox in California in a person who traveled abroad, and the case was confirmed as positive for monkeypox on May 25, 2022; and

WHEREAS on June 28, 2022, the White House and Centers for Disease Control and Prevention (CDC) announced a National Vaccine Strategy; and

WHEREAS on July 23, 2022, the World Health Organization determined that the multi-country outbreak of monkeypox constitutes a Public Health Emergency of International Concern; and

WHEREAS as of August 1, 2022, there are more than 20,000 cases of monkeypox globally and more than 4,000 confirmed probable cases in the United States, with California experiencing nearly 800 confirmed probable cases in 27 local health jurisdictions; and

WHEREAS while most cases resolve within a few weeks, monkeypox can lead to significant acute health impacts, including severe pain, hospitalization, long term symptoms, and, in rare instances, death; and

WHEREAS on July 19, 2022, the California Health and Human Services Agency and the California Department of Public Health sent a letter to the CDC requesting at least 600,000 – 800,000 additional doses of the JYNNEOS vaccine so that the State can expand eligibility to both confirmed and probable exposures, as well as to those individuals who are at high-risk of the virus as a pre-exposure prophylaxis; and

WHEREAS the State of California is leveraging the infrastructure—testing, contact tracing, vaccine administration, and community engagement—built during the COVID-19 pandemic to respond to monkeypox outbreaks, while the 2022 Budget Act includes \$300 million in ongoing General Fund support for state and local public health; and

WHEREAS due to the limited supply of the JYNNEOS vaccine from the federal government, the State is distributing its limited supply of the

vaccine to local health jurisdictions based on a formula that considers current monkeypox cases and number of high-risk individuals; and

WHEREAS state and local public health authorities have been working to focus the currently available vaccine supply on individuals who are at high-risk for monkeypox and to target outreach by working proactively with local and community-based partners to develop resources, deploy vaccine clinics, and ensure appropriate messaging that is inclusive and targeted; and

WHEREAS it is critical to maximize the number of personnel who can administer vaccines within this outreach effort, and expanding the pool of eligible vaccinators will substantially aid current efforts and support anticipated further vaccination efforts upon receipt of additional doses from the federal government; and

WHEREAS state law was recently amended to allow pharmacists to independently initiate and administer any vaccines that are approved or authorized by the federal Food and Drug Administration and have received a federal Advisory Committee on Immunization Practices individual vaccine recommendation, subject to certain conditions, but similar flexibility does not currently exist for other personnel who could significantly enhance the ongoing vaccination efforts for monkeypox; and

WHEREAS state and local health departments must use all available measures to ensure availability of personnel to administer vaccines for monkeypox, including those that are not presently authorized to administer vaccines under existing regulatory statutes; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the proclamation of a State of Emergency, have been met statewide due to monkeypox; and

WHEREAS I find that the conditions caused by monkeypox are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the magnitude of the threat posed by monkeypox within existing statutory and regulatory constraints; and

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

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, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to monkeypox, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. The licensing, certification, and training requirements for Emergency Medical Services (EMS) personnel as contained in Emergency Services Act Chapters 2, 3, and 4, and accompanying regulations, are suspended to the extent necessary for EMS personnel to administer monkeypox vaccines that are approved by the federal Food and Drug Administration in any setting. The Emergency Medical Services Authority shall provide notice of this suspension to local emergency medical services authorities and may provide guidance regarding its implementation. The notice and any guidance issued pursuant to this paragraph shall be posted on the Authority's website.
3. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to approve additions to local optional scopes of practice to enable EMS personnel to administer monkeypox vaccines under local medical direction without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
4. The restrictions set forth in Penal Code section 396, which are automatically triggered upon a State of Emergency proclamation, are suspended, and no such restrictions are imposed with respect to this proclaimed emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation 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 1st day of August 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State