

**STATE OF WEST VIRGINIA**  
**EXECUTIVE DEPARTMENT**

At Charleston

**A PROCLAMATION**

By the Governor

**WHEREAS**, a State of Emergency was declared on March 16, 2020 for all counties in West Virginia, to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of a respiratory disease caused by a novel coronavirus now known as COVID-19; and

**WHEREAS**, West Virginia Code § 46A-6J-1 et seq. prohibits unfair pricing practices for certain items sold during the existence of a state of emergency or for a period following a state of emergency, including such items as consumer food items, essential consumer items, goods used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight and storage services, and motor fuels; and

**WHEREAS**, the ongoing application of the prohibitions against unfair pricing practices contained in West Virginia Code § 46A-6J-1 et seq. to the complete list of items set forth therein may result in unintended economic consequences, including the possibility that certain wholesale supplies may be diverted to markets without price restrictions which causes unnecessary harm to both consumers and retail businesses in West Virginia; and

**WHEREAS**, the Governor may terminate or limit the price restrictions imposed by West Virginia Code § 46A-6J-1 et seq.; and

**WHEREAS**, limiting the price restrictions imposed as a result of the ongoing State of Emergency declaration to medical supplies reasonably necessary to treat COVID-19 serves the interests intended to be protected by West Virginia Code § 46A-6J-1 et seq. by prohibiting the unfair pricing of items necessary to respond to the emergency and protects against any unintended economic consequences that could result from price restrictions imposed on essential

products that are entirely unrelated to the treatment of COVID-19 such as consumer food items, building materials, home heating oil, and motor fuels.

**NOW, THEREFORE, I, JIM JUSTICE**, by virtue of the authority vested in me as Governor of the State of West Virginia under West Virginia Code §46A-6J-3, and in view of the foregoing, do hereby **PROCLAIM** as follows:

1. The price restrictions imposed by West Virginia Code §46A-6J-1 et seq. that are in effect as a result of the state of emergency declaration issued on March 16, 2020, are hereby limited to medical supplies reasonably necessary to respond to COVID-19, specifically including personal protective equipment.
2. The price restrictions imposed by West Virginia Code §46A-6J-1 et seq. that are in effect as a result of the state of emergency declaration issued on March 16, 2020, are hereby terminated for any items listed in West Virginia Code §46A-6J-3 that are not medical supplies reasonably necessary to respond to COVID-19, specifically including personal protective equipment.
3. Further, the price restrictions that may still be in place under West Virginia Code §46A-6J-1 et seq. for any state of emergency other than that state of emergency declared on March 16, 2020, are hereby terminated and without further effect.
4. This proclamation may not be construed to limit or terminate price restrictions that may be imposed by West Virginia Code §46A-6J-1 et seq. as a result of any state of emergency declared by the Governor or the Legislature after the effective date of this proclamation or any other major disaster declaration or emergency declaration issued by the President of the United States after the effective date of this proclamation.

*[Signature Page Follows]*

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



**By the State**

**DONE** at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth day of April, in the year of our Lord, Two Thousand Twenty-one in the One Hundred Fifty-Eighth year of the State.

A handwritten signature in blue ink, appearing to read "James E. Justice", is written in a cursive style.

**GOVERNOR**

A handwritten signature in blue ink, appearing to read "Mac Warner", is written in a cursive style.

**SECRETARY OF STATE**