

2023-117
February 24, 2023

STATE OF EMERGENCY RELATING TO
THE PROHIBITION AGAINST PRICE GOUGING

Beginning on February 15, 2023, and continuing, a severe storm containing heavy rain, hail and severe winds, including flooding, landslides, and mudslides, impacted the Commonwealth of Kentucky, creating dangerous conditions and damage to public infrastructure, utility distribution systems, and private properties. Under the powers provided by the Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, I declared by Executive Order 2023-116 on February 24, 2023, that a State of Emergency exists in the Commonwealth. Under the Kentucky Constitution and KRS Chapter 367, I am empowered to implement certain provisions of law aimed toward protecting Kentucky consumers.

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and KRS Chapters 367 and 39A, do hereby implement the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services, and do hereby Order and Direct that:

1. No person, within the meaning of KRS 446.010, shall sell or offer to sell any good or service delineated in KRS 367.374(1)(b) at a price grossly in excess of the price prior to the declaration by Executive Order 2022-870 on December 21, 2022, that a Statewide State of Emergency exists in the Commonwealth of Kentucky.
2. The foregoing is subject to the qualifications and limitations set forth otherwise in KRS 367.372, *et seq.*, with regard to increased cost to sellers *inter alia*.
3. Any person who violates the provisions of KRS 367.372, *et seq.*, as implemented by this Order, shall be subject to the penalties set forth in KRS 367.378 or other applicable law.
4. The Division of Emergency Management shall immediately notify the public and those registered with the Division for the purpose of receiving notice of the implementation, renewal, or termination of the provision of this Order relating to KRS 367.374. The Division shall notify the public by any means available, including the Division's Web site, news media, and electronic mail. Any person

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or trade association may register with the Division for the purpose of receiving notification.

This Order shall be effective on February 24, 2023.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State