ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-698
August 21, 2020

STATE OF EMERGENCY RELATING TO THE PROHIBITION AGAINST PRICE GOUGING

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 7, 2020, pursuant to the authority vested in me under the Kentucky Constitution and KRS Chapter 367 of the Kentucky, I declared by Executive Order 2020-216 that a State of Emergency exists in the Commonwealth of Kentucky and implemented the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services, to prohibit price gouging. On March 20, 2020, April 6, 2020, and April 20, 2020, I declared by Executive Orders 2020-245, 2020-268 and 2020-285, respectively, that the State of Emergency continued in the Commonwealth and, pursuant to the same authority, renewed implementation of the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services, to prohibit price gouging. On May 6, 2020, I again declared by Executive Order 2020-316 that a State of Emergency continues in the Commonwealth and implemented the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services to prohibit price gouging. On May 21, 2020, June 8, 2020, and June 19, 2020, I declared by Executive Orders 2020-414, 2020-449 and 2020-515, respectively, that the State of Emergency continued in the Commonwealth and, pursuant to the same authority, renewed implementation of the provisions of KRS 367.372, *et seq.*, as to the sale

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of goods and services, to prohibit price gouging. On July 6, 2020, I again declared by Executive Order 2020-579 that a State of Emergency continues in the Commonwealth and implemented the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services to prohibit price gouging and, pursuant to the same authority, renewed implementation of the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services, to prohibit price gouging in Executive Orders 2020-611 and 2020-650 on July 21, 2020, and August 5, 2020, respectively. The State of Emergency continues in the Commonwealth.

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 2020-215 on March 6, 2020, 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 or trade association may register with the Division for the purpose of receiving notification.

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This Order shall be effective August 21, 2020, upon the expiration of Executive Order 2020-650. This Order shall be in effect for the duration of the State of Emergency herein referenced and shall be subject to renewal thereafter if necessary to protect the lives, property, or welfare of the citizens of the Commonwealth of Kentucky.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State