ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-938
November 9, 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. 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, and renewed such implementation by three subsequent executive orders. 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, and renewed such implementation by three subsequent executive orders. 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.*, and renewed such implementation by three subsequent executive orders. On September 14, 2020, I again declared by Executive Order 2020-776 that a State of Emergency continues in the Commonwealth and implemented the provisions of KRS 367.372, *et seq.* On October 26, 2020, I again declared by Executive Order 2020-899 that a State of Emergency continues in the Commonwealth and implemented the

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provisions of KRS 367.372, *et seq.* 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 renew the implementation of 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.

This Order shall be effective November 10, 2020, upon the expiration of Executive Order 2020-899. 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

RECEIVED AND FILED

DATE 11/10/2020

MICHAEL G. ADAMS

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY Sarah M. Bingham