



STEVEN L. BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2009-099
January 28, 2009

**STATE OF EMERGENCY RELATING TO
THE PROHIBITION AGAINST PRICE GOUGING**

WHEREAS, beginning on January 27, 2009, conditions within the Commonwealth of Kentucky resulting from a snow and ice storm have created a danger to public health and safety and have threatened public and private property in multiple counties statewide; and

WHEREAS, substantial power outages across the state have already occurred with the potential for additional damage due to the continued threat of freezing rain, snow and flooding; and

WHEREAS, I, STEVEN L. BESHEAR, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of the Commonwealth of Kentucky and by Chapter 39A of the Kentucky Revised Statutes, declare the existence of a State of Emergency in the Commonwealth of Kentucky to protect the citizens of the Commonwealth from predatory pricing by unscrupulous providers of goods and services including but not limited to:

1. Consumer food items;
2. Goods or services used for emergency cleanup;
3. Emergency supplies;
4. Medical supplies;
5. Home heating oil;
6. Building materials;
7. Housing;
8. Transportation, freight, and storage services; and
9. Gasoline or other motor fuels.

WHEREAS, under such circumstances, I am empowered by the Constitution of the Commonwealth of Kentucky and Chapter 367 of the Kentucky Revised Statutes to implement certain provisions of law aimed toward protecting Kentucky consumers:

NOW, THEREFORE, I, Steven L. Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of the Commonwealth of Kentucky and Chapter 367 of the Kentucky Revised Statutes, do hereby implement the provisions of KRS 367.372, *et seq.*, as to the sale of goods and services in Kentucky, and do hereby ORDER and DIRECT that:



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1. No person, within the meaning of KRS 446.010, shall sell or offer to sell any goods 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 on January 27, 2009, that a 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.
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. 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 in effect for the duration of the State of Emergency herein referenced, and shall be subject to renewal thereafter, subject to applicable law, if necessary to protect the lives, property, or welfare of the citizens of the Commonwealth of Kentucky.


STEVEN L. BESHEAR
Governor


TREY GRAYSON
Secretary of State