

2022-351
June 23, 2022

STATE OF EMERGENCY

Rising inflation in the United States is hurting Kentuckians every day;

As a result of this inflation, and the Russian war against Ukraine, the prices of consumer goods and gasoline that our families depend on are increasing at a record pace. According to the American Automobile Association (“AAA”), the price of gasoline hit record highs multiple times in Kentucky in May of 2022, and it kept soaring in June with a record high average price of \$4.798 per gallon on June 11. AAA reported an average price of \$4.73 per gallon on June 20 – up from an average price of \$4.29 a month earlier. Diesel fuel hit its highest recorded average price in Kentucky on June 20 at \$5.851 per gallon;

Nationally, AAA reported that the average gas price hit an all-time record high of more than \$5.00 on June 13, 2022, and further reported a national average price of \$5.01 per gallon on June 15. The national average was \$4.98 per gallon on June 20. Diesel fuel hit its highest recorded national average price of \$5.816 per gallon on June 19;

The “pain at the pump” is piling on Kentucky families already suffering from the consequences of rising inflation;

On February 16, 2022, I issued Executive Order 2022-096 to immediately freeze an increase in motor vehicle property taxes;

On March 11, 2022, I urged leadership of the United States Congress to suspend the federal gas tax until the end of the year;

On June 2, 2022, I froze the gas tax through an emergency administrative regulation promulgated by the Kentucky Department of Revenue, keeping an increase of two cents (\$0.02) per gallon from occurring on July 1;

On June 9, 2022, I requested that the United States Environmental Protection Agency waive the reformulated gasoline requirements for Jefferson County, a portion of Oldham County and a portion of Bullitt County, to relieve Kentuckians in those counties from the additional 20 to 30 cents per gallon at the pump.;

In addition to freezing the gas tax, on June 2, 2022, I requested by letter that the Attorney General advise as to whether I should declare a state of emergency related to gas prices to activate the price gouging laws to further protect Kentuckians;

The Attorney General responded on June 14, 2022, reporting to me and my administration for the first time that his office has received 263 complaints of price gouging since January 1, 2022, and that 22 of those complaints reported prices of 10 percent (10%) or more above the prevailing price in Kentucky at the time;

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NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of Kentucky and KRS Chapters 39A and 367, do hereby **DECLARE** a State of Emergency relating to inflation and gas prices in the Commonwealth and **ORDER** and **DIRECT** the following:

1. Pursuant to KRS Chapters 367 and 39A, I hereby implement the provisions of KRS 367.372, *et seq.* as to the sale of goods and services, specifically gasoline or other motor fuels, as follows:
 - a. No person, within the meaning of KRS 446.010, shall sell or offer to sell gasoline or other motor fuels, *see* KRS 367.374(1)(b)1., at a price grossly in excess of the price prior to the declaration of this State of Emergency;
 - b. The foregoing is subject to the qualifications and limitations set forth otherwise in KRS 367.372, *et seq.*, with regard to increased costs to sellers *inter alia*;
 - c. 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; and
 - d. 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 provisions of this Order relating to KRS 367.374. The Division shall notify the public by any means available, including the Division's website, 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 June 23, 2022.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State