

Gov. Beshear Activates State Price Gouging Laws to Combat High Gas Prices

Governor declares state of emergency to protect Kentuckians from price gouging

FRANKFORT, Ky. (June 23, 2022) – In a further effort to provide relief for Kentuckians from record gas prices, Gov. Andy Beshear today issued an executive order declaring a state of emergency and activated the state’s price gouging laws to protect families from grossly overpriced gasoline and motor fuels.

With the state of emergency in place, consumers in the commonwealth can report price gouging to the Office of the Attorney General and under state law price gougers can be held accountable.

“Kentucky families deserve relief from increasing gas prices,” Gov. Beshear said. “Everyone sitting at a kitchen table working on a budget knows that every little bit helps, and I will continue to seek and take any action that might make even the slightest difference.”

According to the American Automobile Association (AAA), the price of gasoline hit record highs multiple times in Kentucky in May 2022 and 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.

Recently, the Governor sent a letter asking the attorney general to advise him on whether to declare a state of emergency and thus activate the price gouging laws to further protect Kentuckians.

The attorney general responded nearly two weeks later and reported to the Governor for the first time that his office had received 263 complaints of price gouging since January 1 and that 22 of those complaints reported prices of 10% or more above the prevailing price in Kentucky at the time. The attorney general stated his belief that a declaration of a state of emergency would provide “minimal” relief.

Gov. Beshear took today’s action because he believes strongly that even minimal relief is better than no relief.

This action is just the latest action by Gov. Beshear to ease the burden of rising costs for Kentuckians.

In February, the Governor issued an executive order to freeze car values for two years at their January 2021 value for the purpose of motor vehicle tax valuation due to the pandemic-related rise in used car values. The resulting reduction in vehicle property taxes is saving Kentuckians approximately \$340 million.

Also in February, working with Representative Angie Hatton of Whitesburg, the Governor supported legislation to cut the state sales tax from 6% to 5% temporarily. That measure, which would have been in effect from July 1 of this year, through June 30, 2023, was not adopted by lawmakers during the 2022 regular session. If passed by members of the General Assembly, Kentuckians would have seen \$873 million in relief directly related to sales tax savings.

In March, Beshear and six other Governors sent a letter to Congressional leadership asking them to pass The Gas Prices Relief Act, federal legislation that “would alleviate the consumer cost of rising gas prices while protecting the federal government’s capacity to make infrastructure investments.”

On June 2, Gov. Beshear stopped a 2-cents-per-gallon hike in the state’s gas tax that would have taken effect on July 1. The state gas tax is set by statute, both in its rate and how it is calculated, and the current rate of 26 cents was set to increase, which would have resulted in a price hike on both regular and diesel fuel.

On June 9, the Governor sent a letter to top administrators at the U.S. Environmental Protection Agency, requesting that the administration grant a waiver and remove the requirement that more costly, “reformulated” fuel be sold in many urban areas – including the Louisville metropolitan area. While reformulated gas helps cut down on pollution, during these unprecedented times, the reformulated blend is adding an additional cost – as much as 20 or 30 cents or more per gallon – to Kentucky families who are already paying too much, the Governor said. The EPA has since responded verbally that they would not grant the waiver at this time but are continuing to monitor the situation.

Also on June 9, Gov. Beshear issued an executive order declaring a state of emergency over the baby formula shortage that has impacted the nation and the commonwealth. The Governor’s order activated state price-gouging laws, which aim to protect families seeking to purchase formula from the predatory pricing that can occur when supplies are limited due to high demand. Today, he extended the order for 30 more days. The Governor continues to urge Kentucky families to immediately report any instance of price gouging to the Office of the Attorney General.

State Releases County Unemployment Data for May

FRANKFORT, Ky. (June 23, 2022) – Unemployment rates rose in nine Kentucky counties, fell in 107 counties, and stayed the same in four counties between May 2021 and May 2022, according to the Kentucky Center for Statistics (KYSTATS), an agency of the Kentucky Education and Workforce Development Cabinet.

Cumberland and Woodford counties recorded the lowest jobless rates in the commonwealth at 2.6% each. It was followed by Scott County, 2.8%; Anderson, Boone, Fayette, Harrison, Jessamine and Monroe counties, 2.9% each; and Carroll, Logan, Simpson, Todd and Washington counties, 3% each.

Magoffin County recorded the state’s highest unemployment rate at 10.9%. It was followed by Breathitt and Martin counties, 7.8% each; Elliott County, 7.3%; Leslie County, 6.9%; Carter and Owsley counties, 6.7% each; Harlan County, 6.5%; Lewis County, 6.4%; and Johnson County, 6.2%.

Kentucky’s county unemployment rates and employment levels are not seasonally adjusted because of small sample sizes. Employment statistics undergo sharp fluctuations due to seasonal events such as weather changes, harvests, holidays, and school openings and closings.

Seasonal adjustments eliminate these influences and make it easier to observe statistical trends. The comparable, unadjusted unemployment rate for the state was 3.8% for May 2022, and 3.4% for the nation.

In that release, Kentucky’s statewide unemployment rate and employment levels are adjusted to observe statistical trends by removing seasonal influences such as weather changes, harvests, holidays, and school openings and closings. For more information regarding seasonal fluctuations, visit the U.S. Bureau of Labor Statistics at https://www.bls.gov/cps/cps_htgm.htm#why.

Unemployment statistics are based on estimates and are compiled to measure trends rather than actually to count people working. Civilian labor force statistics include non-military workers and unemployed Kentuckians who are actively seeking work. They do not include unemployed Kentuckians who have not looked for employment within the past four weeks. The data should only be compared to the same month in previous years.

Attorney General Cameron Releases Advisory Regarding Effect, Scope of Kentucky’s Human Life Protection Act

Advisory Issued Following U.S. Supreme Court’s Decision Overturning Roe v. Wade

FRANKFORT, Ky. (June 24, 2022) – Attorney General Daniel Cameron today released an advisory providing an overview of the effect and scope of Kentucky’s Human Life Protection Act. The Human Life Protection Act prohibits abortions in most circumstances and took effect today, following the U.S. Supreme Court’s decision overturning Roe v. Wade.

In 2019, the General Assembly passed the Human Life Protection Act with bipartisan support in both chambers. Under the statute, no person may knowingly cause or aid in the “termination of the life of an unborn human being.” Performing a prohibited abortion is a felony. Pregnant mothers are not subject to any criminal liability.

The Human Life Protection Act does not prohibit abortion when a licensed physician determines in his or her “reasonable medical judgment” that such a procedure is necessary to protect the life of a pregnant mother.

In the advisory, Attorney General Cameron explains that the Act takes effect today, June 24, 2022, following the U.S. Supreme Court’s decision in Dobbs v. Jackson Women’s Health. The decision overturned Roe v. Wade and, as the court stated, returned “the issue of abortion to the people’s representatives.”

The advisory also provides guidance regarding frequently asked questions about the Human Life Protection Act.

Attorney General Advisory:

The effect and scope of the Human Life Protection Act in light of Dobbs v. Jackson Women’s Health Organization

This Advisory provides an overview of the effect and scope of the Human Life Protection Act in light of the United States Supreme Court’s decision in Dobbs v. Jackson Women’s Health Organization, No. 19-1392, which overturned Roe v. Wade, 410 U.S. 113 (1973), and returned the right to regulate abortion to the states.

Human Life Protection Act

Kentucky enacted the Human Life Protection Act, now codified at KRS 311.772, in March 2019. The Kentucky General Assembly passed the law by a bipartisan vote in both chambers. The Act prohibits abortion in most circumstances. Generally speaking, it states that no person may knowingly cause or aid in “the termination of the life of an unborn human being.” KRS 311.772(3). Performing a prohibited abortion is a Class D felony, but pregnant mothers who receive an abortion are not subject to any criminal liability. KRS 311.772(3)(b), (5). The Human Life Protection Act does not prohibit abortion when a licensed physician determines in his or her “reasonable medical judgment” that such a procedure is necessary to protect the life of a pregnant mother. KRS 311.772(4)(a). More specifically, a licensed physician can knowingly perform an abortion to prevent a pregnant mother’s death, substantial risk of death due to a physical condition, or a serious, permanent impairment to a life-sustaining organ. Id. A licensed physician must make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of the unborn child “in a manner consistent with reasonable practice.” Id.

The restrictions on abortion in the Human Life Protection Act did not become operative upon the law’s enactment. Rather, the restrictions were to become effective immediately in one of two circumstances. First, the restrictions become effective upon a decision from the Supreme Court overruling Roe v. Wade. KRS 311.772(2)(a). Second, the restrictions become effective upon the adoption of an amendment to the United States Constitution that “restores to the Commonwealth of Kentucky the authority to prohibit abortion.” KRS 311.772(2)(b).

Dobbs v. Jackson Women’s Health Organization

The United States Supreme Court issued its decision in Dobbs v. Jackson Women’s Health Organization, No. 19-1392, on June 24, 2022. The decision expressly overrules Roe v. Wade and returns “the issue of abortion to the people’s elected representatives.” Dobbs, No. 19-1392, slip op. at 6 (June 24, 2022). This decision satisfies KRS 311.772(2)(a), and so the Human Life Protection Act’s restrictions on abortion became operative immediately upon the issuance of Dobbs.

Additional Guidance

Recognizing that the effective date and scope of the Human Life Protection Act are important issues of public interest, Attorney General Daniel Cameron provides the following guidance:

1. When did the restrictions in the Human Life Protection Act become effective?

The prohibition on performing abortions in KRS 311.772 became effective on June 24, 2022, the date on which the Supreme Court issued its decision in Dobbs.

2. Does the Human Life Protection Act contain an exception for the health of the pregnant mother?

Yes. KRS 311.772(4) provides that a licensed physician may knowingly perform an abortion to prevent a pregnant mother’s death, substantial risk of death due to a physical condition, or serious and permanent impairment to a life-sustaining organ.

3. Does the Human Life Protection Act prohibit contraceptives?

No. KRS 311.772(6) provides that the Act does not prohibit the proper use of contraceptives to prevent pregnancy or before a pregnancy can be determined through conventional medical testing.

4. Can a pregnant mother be penalized for receiving an abortion?

No. KRS 311.772(5) provides that a pregnant mother who receives an abortion cannot be subjected to “any criminal conviction and penalty.”

5. Does the Human Life Protection Act apply in the case of a miscarriage?

No. The Human Life Protection Act has no application when a pregnant mother suffers a miscarriage. Nor does it prohibit medical treatment to help a mother in this circumstance.

Seasonal adjustments eliminate these influences and make it easier to observe statistical trends. The comparable, unadjusted unemployment rate for the