



State Price Gouging Laws

Generally, when a state’s governor declares a “state of emergency,” this automatically puts the state’s “price gouging” law into place. However, there are some exceptions; for example, in Tennessee, the price gouging law is triggered by a declaration of “abnormal economic disruption.” To learn more about actions and authorities triggered by state emergency declarations, visit the Association of State and Territorial Health Officials [here](#). Following is a chart showing which states have a price gouging law. Some laws are enacted through the state’s legislature while some laws are put in place by the state’s office of [Attorney General](#). Where available, we have also included pending legislation. All states give consumers the ability to file a complaint; read more from your state’s Consumer Protection Offices [here](#). Many states and the District of Columbia have declared a state of emergency; read more in the Notes section below.

State	Price Gouging Law	Notes/State of Emergency Notices
Alabama	Alabama Unconscionable Pricing Act	Makes it unlawful for anyone to raise prices on commodities or lodging by more than 25 percent during a declared state of emergency. To avoid violation, figure the price charged for each of the previous 30 days. Add the 30 daily prices, divide by 30, and multiply the price by .25, or 25 percent, to determine the maximum price increase allowed for any one day. The exception is if a wholesale price increases by more than 25 percent and merchants have no choice but to pass along the price increase.

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		<p>The fine for violations can be up to \$1,000 per incident. Those who willfully and continually violate the law can be banned from doing business in Alabama.</p>
Alaska	No Law	<p>Consumer Complaint Form Arizona has issued a state of emergency</p>
Arizona	No law.	<p>The Attorney General will investigate complaints.</p>
Arkansas	<p>AR Code § 4-88-301 (2018)</p>	<p>The governor has declared a state of emergency. While the pricing of consumer goods and services is generally best left to the marketplace under ordinary conditions, when a declared state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited. It is the intent of the General Assembly in enacting this subchapter to protect citizens from excessive and unjustified increases in the prices charged during or shortly after a declared state of emergency for goods and services that are vital and necessary for the health, safety, and welfare of consumers.</p>
California	<p>California Penal Code 396 – Price Gouging Attorney General Issues Price Gouging Alert CA Declaration of State of Emergency and Executive Order Furthering Enhancing State and Local Government’s Ability to Respond to COVID-19</p>	<p>Gov. Newsom has declared a state of emergency during which “excessive and unjustified increases” of more than 10% on basic goods and services including medical supplies is prohibited. Pending legislation: AB 1936 applies price gouging when there is a declaration of emergency because of a public safety power shutoff.</p>
Colorado	No Law	<p>The governor has declared a disaster emergency.</p>

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Connecticut	Connecticut General Statutes Title 42. Business, Selling, Trading and Collection Practices § 42-230. Retail prices during an emergency, Chapter 743h Profiteering	The governor has declared a public health and civil preparedness emergency . No person shall sell or offer for sale during the course of any supply emergency declared by the Governor any product or service which the Governor has designated to be in short supply or in danger of becoming in short supply in the area where such product or service is being sold or offered for sale at a price which exceeds the price at which such product or service was sold or offered for sale by such person in the usual course of business immediately prior to the declaration of the emergency. Fines may not exceed \$1,000 for each offense.
Delaware	No Law	Delaware has issued a state of emergency.
District of Columbia	§ 28-4101 - 4103	The mayor has declared a public emergency and a health emergency . In the case of merchandise, the price equal to the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up for similar merchandise sold in the Washington Metropolitan Area during the 90-day period that immediately preceded an emergency that resulted from a natural disaster, if an emergency has been declared.
Florida	Title XXXIII, Chapter 501.160 : Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices	Gov. DeSantis has declared a public health emergency . A price is unconscionable if the amount charged represents a gross disparity between the price of

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		<p>the commodity and the average price at which that commodity was offered for sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, unless the increase in the amount charged is attributable to additional costs incurred in connection with the commodity unless the amount charged is attributable to additional costs incurred in connection with the commodity.</p>
Georgia	<p>O.C.G.A. Sections 10-1-393.4 and 10-1-438 and see "Emergency Price Controls."</p>	<p>Under a state of emergency, state personnel and equipment may be used to help local governments, and the Governor may prohibit price increases on items that he considers to be "necessary" to preserve, protect, or sustain the life, health, or safety of persons or their property. The Governor must identify the specific goods and services to which the "price gouging" law applies. These can include food, lodging, gasoline, propane gas, lumber and other supplies. Businesses may not sell any of the specified goods or services at prices higher than the prices at which those same goods or services were offered before the declaration of a state of emergency.</p>
Hawaii	<p>§ 127A-30 Rental or sale of essential commodities during a state of emergency; prohibition against price increases and § 480-2. Unfair competition, practices, declared unlawful</p>	<p>The governor has issued a disaster emergency. Whenever the governor declares a state of emergency for the entire State or any portion thereof, or a mayor declares a local state of emergency for the county or any portion thereof, or when the State, or any portion thereof, is the</p>

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		<p>subject of a severe weather warning: (1) There shall be prohibited any increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of the proclamation or the severe weather warning.</p>
Idaho	Title 48. Monopolies and Trade Practices § 48-603 . Unfair methods and practices	<p>Unfair methods and practices: taking advantage of a disaster or emergency declared by the governor under chapter 10, title 46, Idaho Code, or the president of the United States under the provisions of the disaster relief act of 1974, 42 U.S.C. section 5121 et seq., by selling or offering to sell to the ultimate consumer fuel or food, pharmaceuticals or water for human consumption at an exorbitant or excessive price; provided however, this subsection shall apply only to the location and for the duration of the declaration of emergency. In determining whether a price is exorbitant or excessive, the court shall take into consideration the facts and circumstances including, but not limited to:</p> <ul style="list-style-type: none">(a) A comparison between the price paid by the alleged violator for the fuel, food, pharmaceuticals, or water and the price for which the alleged violator sold those same items to the ultimate consumer immediately before and after the period specified by the disaster or emergency declaration;(b) Additional costs of doing business incurred by the alleged violator because of the disaster or emergency;(c) The duration of the disaster or emergency declaration.

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Illinois	Title 14: Commerce, Subtitle b: Consumer Protection, Chapter II: Attorney General, Part 465 Price Gouging (only applies to fuel and petroleum products)	Illinois has declared a state of emergency. HB 2882 is pending and provides that a manufacturer or wholesale drug distributor shall not price gouge in the sale of an essential off-patent or generic drug. In Rules Committee.
Indiana	IN Code § 4-6-9.1-1 (2019)	Price gouging occurs if: (1) the amount charged grossly exceeds the average price at which fuel was readily obtainable within the retailer's trade area during the seven (7) days immediately before the declaration of emergency; and (2) the increase in the amount charged is not attributable to cost factors to the retailer, including replacement costs, taxes, and transportation costs incurred by the retailer.
Iowa	Iowa Code section 714.16(2)"a." Excessive prices	Iowa has declared a state of emergency. An "excessive price" is one that is not justified by the seller's actual costs of acquiring, producing, selling, transporting, and delivering the actual product sold, plus a reasonable profit. In calculating the seller's actual costs, no allowance shall be made for the replacement costs of merchandise if the seller is reasonably assured of recouping the replacement costs as a part of the price of subsequent sales of the merchandise. The existence of an excessive price shall be presumed from a substantial increase in the price of any merchandise over the price at which the merchandise was sold or

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		offered for sale in the usual course of business immediately prior to the onset of the emergency or from a substantial increase in the markup from cost if wholesale prices or costs have increased.
Kansas	Chapter 50. Unfair Trade and Consumer Protection §, 106 50-6,106	Kansas has declared a state of emergency. "Profiteer from a disaster" means unjustifiably increasing during a time of disaster the price at which any necessary property or service is offered for sale to consumers. Actual sales at the increased price shall not be required for the increase to be considered unconscionable. In determining whether the price increase described in this subsection is unjustified, the court shall consider all relevant circumstances including, but not limited to, the following: (A) Whether the price charged by the supplier during the time of disaster grossly exceeded the price charged by the supplier for similar property or services on the business day before the disaster, and an increase of more than 25% shall be prima facie evidence of gross excess. "Time of disaster" means the period of time when a declaration of a state of emergency by the president of the United States or the governor is in effect; or 30 days after the occurrence of the event that constitutes the disaster, whichever is longer.
Kentucky	Consumer Protection Act: 367.374 Sale or rental of goods and services during declared state of emergency -- Fifteen-day prohibition against grossly excessive prices	The governor has issued a state of emergency . Fifteen-day prohibition against grossly excessive prices and an additional fifteen-day extensions to protect citizens.

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Louisiana	Louisiana Title 29 §732. Price gouging; prohibited	The governor has issued a public health emergency . During a state of emergency as declared by the governor or as declared by the parish president, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency. Notwithstanding any other provision of law to the contrary, it shall not be deemed a violation of this Section if the prices charged for goods and services sold within the designated emergency area by an individual in the same market area, at or immediately before the time of the emergency, have not changed except as allowed herein during a state of emergency declared in accordance with this Section.
Maine	Title 10: Commerce and Trade, Part 3: Regulation Of Trade, Chapter 201: Monopolies and Profiteering	There is a rebuttable presumption that a price is unconscionable when it exceeds by more than 15% the sum of: (1) The price at which similar goods or services were offered for sale or sold by that person immediately prior to the beginning date of the abnormal market disruption. If that person did not

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		<p>offer such goods or services immediately prior to the abnormal market disruption, then the price is the price at which similar goods or services were offered for sale or sold by another person similarly situated prior to the abnormal market disruption; and (2) The increased cost calculated according to the method used by that person prior to the abnormal market disruption. Profiteering prohibited. After the Governor has declared an abnormal market disruption and before the declaration of the abnormal market disruption expires, a person may not sell or offer for sale necessities at an unconscionable price.</p>
Maryland	No Law	<p>The governor has issued a state of emergency and existence of catastrophic health emergency. Legislation was introduced due to Covid-19: HB 1663</p>
Massachusetts	Office of the Attorney General (940 CMR 3.18 (1))	<p>The governor has issued a declaration of a state of emergency. It shall be an unfair or deceptive act or practice, during any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price. SB 712 is pending and promotes transparency and prevents price gouging of pharmaceutical drug prices.</p>
Michigan	MCL 445.903 . Unfair, unconscionable, or deceptive methods, acts, or practices.	<p>The governor has issued a state of emergency.</p>

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		Charging the consumer a price that is grossly in excess of the price at which similar property or services are sold.
Minnesota	No Law	HB 4 , HB 753 , SB 1518 , SB 272 are pending and prohibits a manufacturer or wholesale drug distributor from price gouging.
Mississippi	§75-24-25	When a state of emergency or a local emergency is declared to exist in this state, then the value received for all goods and services sold within the designated emergency impact area shall not exceed the prices ordinarily charged for comparable goods or services in the same market area at or immediately before the declaration of a state of emergency or local emergency. However, the value received may include: any expenses, the cost of the goods and services which are necessarily incurred in procuring such goods and services during a state of emergency or local emergency. The prices ordinarily charged for comparable goods or services in the same market area do not include temporarily discounted goods or services. The same market area does not necessarily mean a single provider of goods or services.
Missouri	Missouri Code of State Regulations (CSR): 15 CSR 60-8.030	The attorney general administers and enforces the provisions of the Merchandising Practices Act, Chapter 407, RSMo. It is an unfair practice for any person in connection with the advertisement or sale of merchandise to Charge within a disaster area an excessive price for any necessity; or charge any

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		person an excessive price for any necessity which the seller has reason to know is likely to be provided to consumers within a disaster area.
Montana	No Law	Montana has declared a state of emergency.
Nebraska	No Law	
Nevada	No Law	Nevada has declared a state of emergency.
New Hampshire	No Law; in fact the only New England state without one.	SB 688 related to the price gouging of generic prescription drugs. The bill authorizes the Department of Justice to issue a civil investigative demand upon receipt of notification of suspected price gouging or in any other case in which the Department has reasonable cause to believe that unfair price gouging has occurred or is about to occur.
New Jersey	56 § 8-107	The governor has declared state of emergency . New Jersey's price gouging law prohibits excessive price increases during a declared state of emergency, or for 30 days after the termination of the state of emergency. Excessive price increases are defined as price increases that are more than 10 percent higher than the price at which merchandise was sold during the normal course of business prior to the state of emergency. Price-gouging violations are punishable by civil penalties of up to \$10,000 for the first offense and \$20,000 for the second and subsequent offenses. Each individual sale of merchandise is considered a separate and distinct event.
New Mexico	No Law	New Mexico has declared a state of emergency.

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New York	New York Consolidated Laws, General Business Law - GBS § 396-r. Price gouging and Section 396-RR, price gouging for milk	<p>The governor has issued a state of disaster emergency.</p> <p>During any abnormal disruption of the market for consumer goods and services vital and necessary for the health, safety and welfare of consumers, no party within the chain of distribution of such consumer goods or services or both shall sell or offer to sell any such goods or services or both for an amount which represents an unconscionably excessive price.</p> <p>SB 7932/SB 1798/SB 256 prohibits price gouging with respect to medical supplies during a public health emergency. AB 1452/SB 2893 creates a private right of action for unlawful price gouging. AB 237/SB 803 defines unconscionably excessive price for the purposes of prohibiting price gouging during abnormal disruption of the market. AB 2621/SB 1642 imposes criminal penalties for price gouging among other provisions. AB 3829 prohibits price gouging by manufacturers of prescription drugs and AB 6606/SB 141 penalizes manufacturers for it. SB 7932 prohibits price gouging with respect to medical supplies during a public health emergency.</p>
North Carolina	§ 75-38. Prohibit excessive pricing during states of disaster, states of emergency, or abnormal market disruptions	Gov. has declared a state of emergency In determining whether a price is unreasonably excessive, it shall be considered whether:

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		<p>(1) The price charged by the seller is attributable to additional costs imposed by the seller's supplier or other costs of providing the good or service during the triggering event. (2) The price charged by the seller exceeds the seller's average price in the preceding 60 days before the triggering event. If the seller did not sell or rent or offer to sell or rent the goods or service in question prior to the time of the triggering event, the price at which the goods or service was generally available in the trade area shall be used as a factor in determining if the seller is charging an unreasonably excessive price. (3) The price charged by the seller is attributable to fluctuations in applicable commodity markets; fluctuations in applicable regional, national, or international market trends; or to reasonable expenses and charges for attendant business risk incurred in procuring or selling the goods or services. NCRMA compliance paper</p>
North Dakota	No Law	
Ohio	1345.03 Unconscionable consumer sales acts or practices	<p>The governor has issued a state of emergency. No supplier shall commit an unconscionable act or practice in connection with a consumer transaction. Such an unconscionable act or practice by a supplier violates this section whether it occurs before, during, or after the transaction. (B) In determining whether an act or practice is unconscionable, the following circumstances shall be taken into consideration: (2) Whether the</p>

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		supplier knew at the time the consumer transaction was entered into that the price was substantially in excess of the price at which similar property or services were readily obtainable in similar consumer transactions by like consumers.
Oklahoma	Emergency Price Stabilization Act	Emergency Price Stabilization Act prohibits an increase of more than 10 percent for the price of goods and services and allows the attorney general to pursue charges against individuals or businesses who engage in price gouging.
Oregon	2017 ORS 401.965	The governor has issued a state of emergency . Proof that a price is unconscionably excessive may be shown by evidence that: (a)The amount charged for essential consumer goods or services exceeds by 15 percent or more the price at which the goods or services were sold or offered for sale by the merchant or wholesaler in the usual course of business immediately prior to or during a declaration of an abnormal disruption of the market; or (b)The amount charged for the essential consumer goods or services exceeds by 15 percent or more the price at which the same or similar consumer goods or services were readily obtainable by other consumers in or near the geographical area covered by the declaration of an abnormal disruption of the market.
Pennsylvania	Price Gouging Act, P.L. 1210, No. 133	Pennsylvania has declared a state of emergency. SB 139 further providing for definitions, for price gouging prohibited and for investigations.

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Puerto Rico	N/A	
Rhode Island	RI Gen L § 6-13-21 (2014)	<p>The governor has declared a state of disaster emergency.</p> <p>"Unconscionably high price" means the amount charged represents a gross disparity between the average prices at which the same or similar commodity was readily available and sold or offered for sale within the local trade area in the usual course of business during the thirty (30) days immediately before the declaration of the market emergency and the additional charges are not substantially attributable to increased cost to retailers, imposed by their suppliers, including replacement costs imposed by the vendors' source. Additionally, the average price calculation during said thirty-day (30) period shall not include discounted prices set and offered as a result of bona fide manufacturer's or supplier's limited discounts or rebates. A fine of not more than one thousand dollars (\$1,000) per violation with an aggregate total not to exceed twenty-five thousand dollars (\$25,000) for any twenty-four-hour (24) period.</p>
South Carolina	TITLE 39. Trade and Commerce Chapter 5. Unfair Trade Practices article 1. General Provisions	<p>An "unconscionable price" means an amount charged which grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the thirty days immediately before a declaration of a state of emergency, and the increase in the amount charged</p>

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		is not attributable to additional costs incurred in connection with the commodity or local, regional, national, or international market trends.
South Dakota	No Law	
Tennessee	Triggered by a Declaration of Abnormal Economic Disruption: 47-18-5103 . Prohibited acts during declaration of abnormal economic disruption	<p>The governor has issued an executive order "suspending provisions of certain statutes and rules in order to facilitate the treatment and containment of COVID-19". This waives HOS restrictions, triggers the price gouging law, increases truck load limits, etc.</p> <p>Upon the declaration of an abnormal economic disruption by the governor by proclamation or executive order, and continuing for a maximum of fifteen calendar days, unless extended by a subsequent declaration in any county or municipality covered by the abnormal economic disruption, a person is prohibited from charging any other person a price for the following goods or services that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business:</p> <ul style="list-style-type: none">(A) Consumer food items;(B) Repair or construction services;(C) Emergency supplies;(D) Medical supplies;(E) Building materials;(F) Gasoline;(G) Transportation, freight, and storage services; or

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Texas	Texas Business and Commerce Code, Sec. 17.4625, Price Gouging During Declared Disaster	(H) Housing. Texas declared a state of disaster. "Designated disaster period" means the period: (1) beginning on the earliest of: (A) the date the disaster occurs; or (B) the date of: (i) the proclamation or executive order of the governor declaring the disaster; or (ii) the declaration of the disaster by the president of the United States, if any part of this state is named in the federally declared disaster area; and (2) ending on the 30th day after the date the disaster declaration expires or is terminated. Thus, unless the seller violated some other specified part of the statute, simply raising prices during "non-declared" times of disaster are permissible.
Utah	§ 13-41-201 , et seq.	The governor has issued a state of emergency . A person may charge an excessive price if: (a) that person's cost of obtaining the good or providing the service exceeds the average cost to the person of obtaining the good or providing the service in the 30-day period immediately preceding the day on which the state of emergency is declared; and (b) the price charged for the good or service does not exceed the sum of: (i) 10% above the total cost to that person of obtaining the good or providing the service; and (ii) the person's customary markup.
Vermont	Title 9: Commerce and Trade Chapter 063 : Consumer Protection	This law deals with price gouging of petroleum products and heating fuel products.

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Virginia	§ 59.1-525 , Virginia Post-Disaster Anti-Price Gouging Act	Virginia has issued a state of emergency. Price gouging complaint form Upon finding that during a time of disaster a supplier is selling, leasing, or licensing, or offering to sell, lease, or license, a necessary good or service within the area for which the state of emergency is declared at such an unconscionable price that such selling, leasing, or licensing, or offering to sell, lease, or license presents an imminent and substantial danger of endangering the public welfare by creating public panic, the Governor is authorized to issue for a period not to exceed 30 days, without hearing, an emergency order directing the supplier to reduce the price of the necessary good or service to the prevailing price in the local market.
Washington	No Law, but pending legislation .	The governor has issued a state of emergency . SB 6699 (pending)
West Virginia	§ 46A-6J-1 . Emergencies and natural disasters- -Taking unfair advantage of consumers	While the pricing of consumer goods and services is generally best left to the marketplace under ordinary conditions, when a declared state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of essential consumer goods and services be prohibited. It is the intent of the Legislature in enacting this article to protect citizens from excessive and unjustified increases in the prices charged during or shortly after a declared state of emergency for goods and

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		services that are vital and necessary for the health, safety and welfare of consumers.
Wisconsin	100.305 , Prohibited selling practices during periods of abnormal economic disruption Chapter ATPC 106 , Price Gouging During an Emergency	No seller may sell a consumer good or service in an emergency area during an emergency period at a price that is more than 15% above the highest price at which the seller sold like consumer goods or services to like customers in the relevant trade area during the 60-day period immediately preceding the emergency declaration. Exemptions. The prohibition does not apply to a sale if, at the time of sale, the seller possesses and relies upon accurate information that demonstrates any of the following: (a) The selling price does not exceed the seller's cost plus normal markup. (b) The selling price is required by law. (c) The emergency declaration directly or impliedly exempted the sale from coverage under the emergency declaration.
Wyoming	No Law	Consumer Protection Information

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Current as of March 12, 2020

Sources: Findlaw.com; Alabama Grocery Association, Alabama Retail Association, California Grocers Association, Carolinas Food Industry Council, Colorado Retail Council, Connecticut Food Association, Florida Retail Federation, Illinois Retail Merchants Association, Iowa Grocery Industry Association, Kentucky Retail Federation, Louisiana Retail Association, Retail

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Association of Maine, Maryland Retailers Association, Massachusetts Food Association, Michigan Retailers Association, Minnesota Grocers Association, Missouri Retailers Association, The Ohio Council of Retail Merchants, Ohio Grocers Association, Pennsylvania Food Merchants Association, Tennessee Grocers & Convenience Store Association, Texas Food and Fuel Association, Vermont Retail and Grocers Association, Virginia Food Industry Association, Washington Food Industry Association, Wisconsin Grocers Association