



2021 AG REQUEST LEGISLATION

REGULATING FAIR BUSINESS PRACTICES AND PROHIBITING PREDATORY PRICE GOUGING DURING A STATE OF EMERGENCY

What needs to change?

Price gouging is a predatory business practice that takes advantage of people at their most vulnerable and desperate for the sake of profit. Price gouging is not an increase in price that is driven exclusively by the seller's increased costs.

Unlike the vast majority of states, Washington does not have any state law expressly prohibiting this practice. Consequently, Washingtonians are more vulnerable to price gouging and businesses are provided less certainty.

KEY
STAT

1,310
CONSUMER COMPLAINTS



Since Governor Jay Inslee declared a public health emergency in response to the COVID-19 pandemic, the Attorney General's Office responded to **1,310 price gouging complaints** from Washingtonians. Washingtonians complained about extreme price increases for face masks, hand sanitizer, and other products necessary to prevent the spread of COVID-19.

What is the solution?

Price gouging during a state of emergency is harmful and unfair and should be prohibited by Washington law.

What does this legislation do? - [SB 5191](#)

- Provides a clear and unambiguous definition of price gouging;
- Includes a list of products, goods, and services to apply in different kinds of emergency situations consistent with price gouging statutes in other states;
- Allows businesses to recover costs incurred through external factors, such as supply chain or transport costs;
- Requires the Governor to trigger the legislation through a declaration of emergency;
- Establishes civil penalties for violations of cease and desist orders, and non-compliance with the statute.

What are other jurisdictions doing?

36 states¹ and the District of Columbia have statutes that explicitly prohibit price gouging during a state of emergency.

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1: [Alabama](#), [Alaska](#), [Arkansas](#), [California](#), [Colorado](#), [Connecticut](#), [Florida](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Massachusetts](#), [Michigan](#), [Mississippi](#), [Missouri](#), [New Jersey](#), [New York](#), [North Carolina](#), [Oklahoma](#), [Oregon](#), [Pennsylvania](#), [Rhode Island](#), [South Carolina](#), [Tennessee](#), [Texas](#), [Utah](#), [Vermont](#), [Virginia](#), [West Virginia](#), [Wisconsin](#).