EXHIBIT 5
DATE 3/8/07
SB 67

State Laws and Regulations: Price Gouging

As of October 2005

	State	Covered	Authority	Triggering Event/ Prohibited Acts	Civil Penalties	Criminal Penalties	Enforced by:
1.	**ALABAMA**	Sale or rental of any commodity or rental facility	UDAP Statute Ala. Code § 8-31-3	Upon proclamation of a state of emergency, no seller may sell for an amount which represents an unconscionably reasonable price.	$1,000 per violation, not to exceed $25,000 per 24 hour period	None	State Attorney General or District Attorney
2.	**ARKANSAS**	Vital and necessary goods or services, including housing, transportation	UDAP Statute A.C.A. 4-88-301 *et seq.*	Upon proclamation of a state of emergency by the President, Governor, or local official, no price may be raised more than 10% above the price charged immediately prior to the proclamation unless directly attributable to increased costs. Any period of time during which a red condition under the Homeland Security Advisory System has been declared by either the U.S. Dept. Of Homeland Security or the AR Dept of Emergency Services	A per se UDAP violation	A per se UDAP violation. Criminal penalties are available.	State Attorney General and/or Private Individual
3.	**CALIFORNIA**	Goods and services vital and necessary for the health, safety, and welfare of consumers	Cal. Penal Code § 396	Upon proclamation of a state of emergency by President, Governor, or County or City Executive Officer, no price may be raised more than 10% above the price charged immediately prior to the proclamation unless directly attributable to increased costs. (30 days for goods). Similar prohibition for repair and reconstruction services. (180 days for repairs).	$2,500 per violation when brought by district attorneys or city prosecutors, plus injunction and restitution.	Misdemeanor - up to one year in jail or $10,000 or both.	State Attorney General, District Attorney, City Attorney, or City Prosecutors. Private Privates can get injunctions and restitution, but no civil penalties.
4.	**CONNECTICUT**	Goods and Services Petroleum Products	Conn. Gen. Stat. 42-230 Regulation Conn. Agencies Reg. 42-110b-29	In the course of an abnormal market disruption, no seller may sell for an amount which represents an unconscionably excessive price.	Up to $5,000 per violation. Violation of statute is a violation of UDAP.	None	State Attorney General

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5.	**DISTRICT OF COLUMBIA**	Any merchandise or service sold during a state of emergency.	D.C. Code. Ann.§ 28-4101 to 4103	After the mayor declares a state of emergency, it is unlawful to charge more than the normal average retail price (10%) for any merchandise or service sold during the emergency.	Maximum fine of $1,000, revocation of license or permit.	None	DC Attorney General
6.	**FLORIDA**	Rental or Sale of Essential Commodities	UDAP Statute Fla. Stat. Ann. 501.160	During a declared state of emergency, prohibition of unconscionable prices.	$1,000 per violation, up to $25,000 for multiple violations within 24 hour period.	None	State Attorney General, local state attorneys, Dept. of Agriculture and Consumer Services
7.	**GEORGIA**	Goods or Services Necessary to Preserve, Protect, or Sustain the Life, Health, or Safety of Persons or Property. Sale or offer for sale of supplies for use in the salvage, repair, or rebuilding of a structure damaged as a result of a natural disaster	OCGA 10-1-393.4. OCGA 10-1-438	Upon declaration of a state of emergency by the Governor, it is an unlawful, unfair, and deceptive trade practice for any person, firm, or corp to sell or offer for sale any goods or services necessary to preserve, protect, or sustain the life, health or safety of persons or property at a price higher than the price at which the goods were sold or offered for sale immediately prior to the declaration of emergency.	$5,000 per violation, except when the price gouging involves salvage, repair, or rebuilding of a structure damaged as a result of a natural disaster, when damages go up to a total of $15,000 per violation.	None	Governor's Office of Consumer Affairs
8.	**HAWAII**	Sale or rental of essential commodities	HRS 209-9.	When the Governor declares a state of disaster, or when the state is the subject of a "severe weather warning."	Violation is a UDAP subject to penalties of $500 - $10,000 per violation.	None	Hawaii Office of Consumer Protection

	State	Covered	Authority	Triggering Event/ Prohibited Acts	Civil Penalties	Criminal Penalties	Enforced by:
9.	**IDAHO**	Water, Food, Fuel, or Pharmaceuticals	I.D.A.C. § 48-603(19)	After a declaration of an emergency by the Governor or President, a seller of the four items mentioned cannot charge exorbitant or excessive prices. (Comparison of the prices of goods immediately before and after the disaster.)	$5,000 per violation, restitution, and injunctive relief	None	State Attorney General
10.	**INDIANA**	Sale of Fuel	IC 4.6-9.1	The period during which an emergency is declared and 24 hours before the declaration by the governor. Fuel charges cannot exceed the average price at which fuel was readily available during the 7 days immediately before the declaration of emergency.	Injunctive relief, restitution, and civil penalties of $1,000 per violation.	None	State Attorney General
11.	**IOWA**	Merchandise Needed by Disaster Victims	Regulation I AC 61-31.1(714) IC 714.16(2)a	During time of disaster and subsequent recovery period (60 day max.), in declared disaster zone, period declared to be disaster, charging unjustified prices.	$40,000 per violation, additional $5,000 on top of the $40,000 if elderly was defrauded, restitution, injunctive relief,	none	State Attorney General
12.	**KANSAS**	Merchandise Needed by Disaster Victims	KSA 50-6,106 KSA 50-627	50-6,106 Declaration of a state of emergency by either the US President or Governor, during the time such state is in effect, or thirty days after the occurrence of the event that triggered the declaration. 50-627 does not require emergency but relates to market price at any time	$10,000 per violation, additional $10,000 if elderly or disabled was defrauded, restitution, injunctive relief.	None	State Attorney General or District/County Attorney

	State	Covered	Authority	Triggering Event/ Prohibited Acts	Civil Penalties	Criminal Penalties	Enforced by:
13.	**KENTUCKY**	any repair or reconstruction service; consumer food items; emergency cleanup goods or services; emergency supplies; medical supplies; home heating oil; building materials; housing; transportation, freight and storage services; gasoline and motor fuels	Ky.Rev.Stat. 367.372 through 367.378	Triggers: Governor declares state of emergency or Condition Red declared by U.S. Dept. of Homeland Security. Prohibition on charging a price grossly in excess of price before triggering event and unrelated to increased cost to seller.	$5,000 for first offense; $10,000 for subsequent offenses; additional remedies under state UDAP statute such as injunctive relief and restitution	None	State Attorney General
14.	**LOUISIANA**	Goods and Services	LSA-R.S. 29:732; LSA-R.S. 29:734; LSA-R.S. 14:329.6 and 14:329.7	During state of emergency declared by Governor or Parish President, value for goods or services may not exceed prices ordinarily charged (w/allowance for increased costs). Must prove a gross disparity between the price of the goods or services prior to the event or that the amount charged grossly exceed the price at which the same or similar goods or services were readily obtainable in the trade area.	Injunctive action, with possible civil penalties and restitution to aggrieved consumers. Violation of R.S. 29:732 is deemed a violation of R.S. 14:329.6	Violation which results in serious bodily injury or any property damage in excess of $5,000, such offender shall be imprisoned at hard labor for not more than 5 years. Violations resulting in death - imprisonment at har labor to not exceed 21 years.	Attorney General, District Attorney, or Parish Attorney
15.	**MAINE**	Necessities of Life (food, clothing, building materials, fuel, ice, fertilizer, tools, machinery, equipment) under the profiteering statute. All goods or services under UTPA.	10 M.R.S.A. § 1105 (profiteering) 5 MRSA § 207 (UTPA)	No triggering event needed. Prohibits unjust or unreasonable profits in the sale, exchange or handling of necessities. Case law suggest a market disruption may be a prerequisite.	$10,000 under UTPA	$1,000 or 3 years imprisonment under profiteering statute.	Maine Attorney General. Private enforcement available under the UTPA.
16.	**MASSACHUSETTS**	Petroleum Products	Regulation 940 CMR 3.18	During any market emergency, it is unfair and deceptive to sell at an unconscionably high price (gross disparity not attributable to increased wholesale costs).	$5,000 per violation.	None	State Attorney General. Private Enforcement Available.

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17.	MICHIGAN	Property or Services	UDAP Statute MCL 445.903(1)(z)	Not specifically targeted at disaster/gouging. Prohibits charging a price in gross excess of the price for which similar products or services are sold.	Up to $25,000	None	State Attorney General
18.	MISSISSIPPI	Any goods and services sold within the designated emergency area	MRS § 75-24-25	During course of disaster declared by the Governor, it is a crime (misdemeanor or felony) to price gouge.	Up to $10,000 per violation plus costs of investigation and prosecution	Misdemeanor: Up to $1,000 and 6 months Felony: 1 to 5 years and up to $5,000	State Attorney General
19.	MISSOURI	Any necessity including those likely to be provided w/in area	Regulation 15 CSR 60-8.010 et seq.	Within a disaster area declared by Governor, it is an unfair practice to take advantage of a person's impairment or hardship or charge an excessive price.	$1,000 per violation, injunctive relief, restitution.	Knowing violation - Class D Felony	State Attorney General, Local Prosecutor, Private Cause of Action.
20.	NEW JERSEY	Sales of any merchandise used or consumed as a direct result of emergency or used to preserve, protect or sustain life, health, safety or comfort.	N.J.S.A. 56:8-107 to 8:109	an "excessive price increase" during or within 30 days of the termination of a declared "state of emergency"	Up to $10,000 for first violation; up to $20,000 for subsequent violations.	None	State Attorney General; Private Right of Action.
21.	NEW YORK	Consumer goods and services vital for health safety and welfare of consumers	Statute NY Gen Bus 396-R	During market disruptions, unconscionably excessive prices are prohibited.	Up to $10,000. Restitution	None	State Attorney General
22.	NORTH CAROLINA	Any merchandise or services which are consumed or used as a direct result of an emergency or which are consumed or used to preserve, protect, or sustain life, health, safety, or comfort of persons or their property	UDAP Statute; NCGS Section 75-36.1	Upon declaration of state of disaster in the area for which state of disaster has been declared, violation to charge a price that is unreasonably excessive.	$5,000 per violation	None	State Attorney General and/or Private Individuals

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23.	**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**	Any Consumer Good	4 N. Mar. I. Code § 5105(y)	Increasing the price of goods, solely on the basis of a shortage of supply caused by natural disaster or any other emergency situation.	Violation of the price gouging statute is a UDAP violation. Injunctive relief and civil penalties are available.	Misdemeanor - up to one year imprisonment	State Attorney General
24.	**OKLAHOMA**	Goods, service dwelling or storage space	Statute 15 OK Code 777.1	During an emergency declared by the President or Governor, no sale lease or rental at more than 10% above the price charged immediately prior, unless increase in price is due to unrelated factors and does not increase seller's profit.	Up to $10,000 per violation plus reasonable costs	Misdemeanor: up to $1,000 and/or 1 year in jail Felony: up to $5,000 and/or 10 years in jail	Attorney General or District Attorney as violation of the Consumer Protection Act (15 O.S. 751)
25.	**RHODE ISLAND**	Food, fuel, clothing, antitoxins, serums, immunizing agents or any other pharmaceutical agents or medical supplies, or any other necessity of life or defense	R.I. Gen.Law. § 30-15-9	During an emergency declared by the Govenor, no person, firm, or corporation shall increase the price of any item it sells or offers for sale at retail immediately prior to the proclamation of emergency or during the proclaimed state of emergency.		Any person, firm or corporation who violates any provision of this subsection shall be fined not more than one hundred dollars	Governor, State Enforcement

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26.	**SOUTH CAROLINA**	Goods, services, materials, merchandise, supplies, equipment, resources, or other articles of commerce, and includes, without limitation, food, water, ice, chemicals, petroleum products, and lumber essential for consumption or use as a direct result of a declared state of emergency	S.C. Code Ann. § 39-5-145	Declaration of state of emergency by the Governor, or declaration of disaster by the President concerning all or a portion of the state. May not sell at a price that is grossly disparate or grossly exceeds the average cost of the commodity during the 30-day period preceding the emergency	Violation of § 39-5-145 is an unfair trade practice subject to civil penalties of $5,000 for each willful violation. If an injunction is issued under the Unfair Trade Practices Act, a violator is subject to a fine of $15,000 for each violation of the injunction.	Misdemeanor with fine of $1,000, imprisonment up to 30 days, or both.	Local solicitor (district attorney) or Attorney General.
27.	**TENNESSEE**	Any consumer food item; repair or construction services; emergency supplies; medical supplies; building materials; gasoline; transportation; freight and storage; or housing.	TCA 47-18-5101 et seq.	Upon the proclamation of a state of emergency it is unlawful to charge any other person a price that is grossly in excess of the price charged for the same or similar goods or services in the usual course of business immediately prior to the events giving rise to the state of emergency.	Violation of the Consumer Protection Act. $1,000 per violation	None	State Attorney General
28.	**TEXAS**	Food, Fuel, Medicine, or other Necessities	Statute Tex. Bus. & Com. Code Ann. 17.46(b)(27)	In event of disaster declared by Governor, it is a UDAP violation to charge exorbitant or excessive prices.	Up to $20,000 per violation.	Not per se; however, price gouging is arguably a violation of Texas Penal Code Deceptive Business Practice provisions	State Attorney General, District Attorney, or County Attorney

	State	Covered	Authority	Triggering Event/ Prohibited Acts	Civil Penalties	Criminal Penalties	Enforced by:
29.	VIRGINIA	Sale, lease or license of necessary goods or services.	Va. Code §§ 59.1-525 et seq	Upon declaration of state of emergency, no supplier can sell, lease or license necessary goods or services at an unconscionable price. The basic test for determining whether price is unconscionable is whether the post-disaster price charged by supplier grossly exceeds price charged for same or similar goods during the ten (10) days immediately prior to the disaster.	$2,500 per willful violation. Violation of Virginia Consumer Protection Act	None	State Attorney General, Commonwealth's Attorneys, City, Town, and County Attorneys
30.	WEST VIRGINIA	Goods or Services that are vital and necessary for the health, safety, and welfare of consumers	W.V. Code 46A-6J-1	State of Emergency declared, it is unlawful to sell items at a 10% increase over the price 10 days before the declaration of a state of emergency.	Violation of the price gouging statute is a UDAP violation. Injunctive relief and civil penalties are available.	Misdemeanor - up to one year imprisonment	State Attorney General