

## HOUSE BILL No. 2883

By Representative Howell

2-13

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AN ACT concerning the Kansas consumer protection act; prohibiting selling certain property and services at excessive prices under certain circumstances; providing remedies for violations.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) As used in this section:

(1) "Emergency supplies" includes, but is not limited to, water, flashlights, radios, batteries, candles, blankets, soap, diapers, temporary shelters, tape, toiletries, plywood, nails and hammers.

(2) "Medical supplies" includes, but is not limited to, prescription and nonprescription medications, bandages, gauze, isopropyl alcohol and antibacterial products.

(3) "Necessities" means human or animal food, water, fuel, energy, medical supplies, emergency supplies and transportation.

(4) "State of emergency" means a state of emergency declared by the governor pursuant to K.S.A. 48-924, and amendments thereto; by the chairperson of the board of county commissioners of any county or the mayor or other principal executive officer of any city pursuant to K.S.A. 48-932, and amendments thereto; or by the president of the United States under the provisions of the disaster relief act of 1974 (42 U.S.C. section 5121 et seq.).

(b) No supplier shall sell necessities within an area where a state of emergency has been declared at a price which exceeds by 10% or more the supplier's price for such necessities immediately before the onset of the conditions that prompted the declaration of a state of emergency.

(c) It shall be an affirmative defense in any action pursuant to this section that the increase in price is due to an increase in costs to the supplier and such increase in costs is not within the supplier's control.

(d) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

(e) This section shall be part of and supplemental to the Kansas consumer protection act.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.