

## **ATTORNEY GENERAL'S CONSUMER PROTECTION DIVISION** **Idaho's Price Gouging Law ~ FAQs**

Attorney General Lawrence Wasden understands this is a difficult and uncertain time for Idahoans. The office also is aware that retail and online stores are experiencing increased demand for certain goods, particularly personal hygiene items.

Idaho's price gouging statute was triggered on March 13 when Governor Little signed an emergency declaration for the state and President Trump declared a national emergency. **The following FAQs are intended to help you better understand Idaho's price gouging law and how the Attorney General enforces it:**

### **What items does Idaho's price gouging law cover?**

The law covers **only** the following **goods**:

- Fuel (e.g., gas, propane)
- Food (e.g., milk, eggs, bread, baby formula, etc.)
- Prescription drugs
- Drinking water

The law does **not** cover:

- Services (e.g., home or car repairs, healthcare services)
- Goods not identified in the law, including:
  - Personal hygiene or cleaning goods (e.g., toilet paper, hand sanitizer, bleach)
  - Housing or daycare costs

### **What does the law prohibit?**

Selling fuel, food, prescription drugs, or drinking water at an **exorbitant** or **excessive** price.

### **What is an "exorbitant" or "excessive" price?**

It depends. A high or increased price is not necessarily "exorbitant" or "excessive." Under the law, the **relevant factors** for determining whether a price is exorbitant or excessive are:

- the price the seller paid for the fuel, food, drugs or water compared to the price at which they're sold to the

consumer immediately before and after the declared state of emergency;

- additional business costs the seller incurs because of the declared state of emergency; and
- the duration of the emergency.

### Can a “seller” be an individual?

Yes. Idaho law defines the term “seller” as “any person engaged in trade and commerce.” A person engages in “trade and commerce” by advertising, offering for sale, selling, leasing, and, among other things, renting goods or services either to or from locations within Idaho, directly or indirectly affecting the people of this state.

### What can the Attorney General do about a seller who may be engaged in price gouging?

The Attorney General may:

- **accept consumer complaints** about alleged price gouging.
- **investigate** a seller to determine if the seller is engaging in or has engaged in price gouging.
- **negotiate** an assurance of voluntary compliance or consent judgment with a seller who allegedly has engaged in price gouging. An assurance of voluntary compliance or consent judgment may include injunctive relief, civil penalties, consumer restitution, and attorney’s fees.
- **file a lawsuit** against a seller suspected of engaging in price gouging. The Attorney General may ask the court to impose injunctive relief and order the seller to pay civil penalties, consumer restitution, and attorney’s fees.

### What can an individual do about a seller who may be engaged in price gouging?

Anyone who believes a seller has engaged in price gouging may **file a complaint** with the Attorney General’s Consumer Protection Division at [www.ag.idaho.gov](http://www.ag.idaho.gov).

We encourage persons who believe they suffered damages from a seller's unlawful actions to **consult with a private attorney** about their rights and remedies under [section 48-608 of the Idaho Consumer Protection Act](#).

**If I file a complaint about a seller, will I get any money?**

It depends. If you lost money to a seller because the seller engaged in price gouging and the Attorney General is able to recover consumer restitution from the seller, you may receive restitution through the Attorney General's Office.

Please understand, however, that the Attorney General's Office represents the state of Idaho, not consumers, and our primary goal in any action we take pursuant to the Idaho Consumer Protection Act is to stop the seller's unlawful activities. We are not always able to recover consumer restitution.

**Where can I read Idaho's price gouging law?**

Idaho's price gouging law is codified at [Idaho Code § 48-603\(19\)](#).

**Where can I obtain guidance about complying with Idaho Code § 48-603(19)?**

Businesses need to consult with their private attorneys. The Attorney General represents the state of Idaho and cannot give legal advice to private persons.

**Office Contact Information:**

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