ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2026 - 667
October 7, 2026

STATE OF EMERGENCY

In Kentucky, we are reigniting the American Dream.

Unfortunately, President Trump's reckless actions have put that dream out of reach for many American families. His failed tariff policy has increased the cost of food, consumer goods, and prescription medication. The President's war of choice in Iran that closed the Strait of Hormuz has led to the highest gas and diesel fuel costs in history – making it even more expensive to deliver food, goods, and services to our families and communities.

Recognizing the threat in May, I took steps to declare a state of emergency and reduce the state tax on gasoline and diesel fuel by ten cents, which saved Kentuckians an estimated $27 million per month; froze the gas tax from automatically increasing in July, which is saving Kentuckians about $1.7 million per month; froze any increase in motor vehicle property taxes in 2027; urged leaders in Congress and within the Kentucky congressional delegation to suspend the federal gas tax until the end of the year; and advocated for Congress to pass a new law that would make it easier for Kentucky farmers to buy and store fertilizer.

At the time, these actions built upon our successful efforts to encourage the federal Environmental Protection Agency to remove the reformulated gasoline requirements for Jefferson County, parts of Oldham County and Bullitt County, to help Kentuckians in those places avoid paying an additional 10 to 35 cents per gallon at the pump. The federal government's reformulated gas requirements, in place for more than 30 years, ended on May 27, 2026, saving drivers in those counties approximately $137 million a year.

Still, more must be done. Our farmers, truckers, and the families they support are bearing the brunt of President Trump's costly war in Iran and disastrous global tariffs.

Recognizing the importance of our farmers, truckers, and their fuel needs, both state and federal law allow diesel used for farm purposes, heating, and off-road construction equipment to be tax-exempt. *See* 26 U.S.C. § 4082; KRS 138.210, *et seq*. This diesel is often dyed red so it can be easily recognized. But dyed, tax-exempt diesel is only allowed to be used for non-road, agricultural purposes under both state and federal law. *See* KRS 138.502; 26 U.S.C. § 6715.

On Monday, October 5, 2026, the President signed an Executive Order, "Emergency Tax Relief on Diesel Fuel," directing the Treasury Secretary to loosen federal restrictions and allow the use of tax-exempt, dyed diesel on public roadways. It appears the intention is to ensure farmers are not penalized under federal law for using dyed-tax exempt diesel on public roadways, and we expect the federal administration to honor that guidance in the Executive Order.

As a result, and pending sign off by the Kentucky Attorney General, beginning tomorrow, October 8, 2026, and for the duration of the war in Iran, the expiration of the President's Executive Order on December 31, 2026, or the end of this State of Emergency, I am allowing Kentucky farmers and truckers to use untaxed or dyed diesel fuel on public

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roadways. Allowing Kentucky farmers and truckers to transport goods to market without the added burden of state diesel tax will provide much-needed relief.

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Constitution of Kentucky and KRS Chapters 39A and 367, do hereby **DECLARE** a State of Emergency relating to gas prices in the Commonwealth and **ORDER** and **DIRECT** the following:

1. Pursuant to KRS 39A.180(2)(b), KRS 138.502(1)-(3) shall be suspended, and the State penalties reflected in KRS 138.502(5)(a)-(b) shall be suspended for the duration of the State of Emergency and any extensions of the State of Emergency. This part shall take effect on October 8, 2026, if the Attorney General signs off on this suspension of statutes to help Kentucky farmers and truckers in these emergency circumstances.

This order shall be effective October 8, 2026.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State

RUSSELL COLEMAN
ATTORNEY GENERAL
DEPARTMENT OF LAW

EXECUTIVE ORDER

2026-07
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WHEREAS, agriculture is a vital part of the Commonwealth of Kentucky's economy, communities, and way of life, providing food, jobs, and economic opportunity for families throughout the Commonwealth, and Kentucky's farmers play an essential role in sustaining the Commonwealth's economy and providing agricultural products to markets within and beyond Kentucky;

WHEREAS, Kentucky farmers are now facing extraordinary economic hardship during the 2026 fall harvest season as high diesel fuel prices have substantially increased the cost of operating farm equipment and transporting agricultural products to market, placing additional financial pressure on farmers at a time when transportation and other input costs are already materially affecting the profitability of agricultural operations;

WHEREAS, transportation costs are a significant component of the cost of bringing agricultural commodities to market, and increased costs of transporting those commodities impose additional burdens not only upon Kentucky farmers but also upon consumers through higher food prices;

WHEREAS, Kentucky farmers receive the benefit of using untaxed or dyed diesel fuel when that fuel is used in qualifying off-road agricultural activities, but many farmers must also travel substantial distances on public roads in diesel-powered trucks and other vehicles to transport harvested crops and other agricultural products to their first point of sale;

WHEREAS, Kentucky Commissioner of Agriculture Jonathan Shell, pursuant to his duty to promote the interest of agriculture and horticulture in the Commonwealth, has identified the need for action to provide temporary relief to Kentucky farmers and, together with the Kentucky Soybean Association, has urged that Kentucky permit the use of untaxed or dyed diesel fuel in vehicles operated on public highways for the purposes of harvesting and transporting products during the 2026 harvest season;

WHEREAS, on October 5, 2026, President Donald J. Trump issued the Executive Order entitled *Emergency Tax Relief on Diesel Fuel*, recognizing that restricted global diesel supplies have caused rising prices and that farmers and truckers have been particularly hard hit, and directing federal agencies to provide temporary relief from diesel fuel taxes and penalties and to encourage corresponding action by the States;

WHEREAS, the President's October 5, 2026, Executive Order specifically directs the Secretary of Agriculture to encourage corresponding State action and directs the White House Office of Intergovernmental Affairs

to engage with States to further policies providing diesel-fuel relief, consistent with applicable law;

WHEREAS, Kentucky law recognizes the authority of the Commonwealth to respond to declared emergencies and, upon the requisite declaration and consent of the Attorney General, authorizes the suspension of KRS 138.502, which otherwise prohibits the use of untaxed or dyed diesel fuel on public highways;

WHEREAS, temporary authorization for the use of untaxed or dyed diesel fuel for the purpose of harvesting and transporting agricultural products during the 2026 fall harvest season would provide immediate and meaningful relief to Kentucky farmers, reduce the cost of transporting agricultural commodities to market, and further the interests of both Kentucky's agricultural community and the Commonwealth's consumers;

WHEREAS, similar temporary measures have been adopted or undertaken by other States in response to the current diesel-fuel emergency, demonstrating the need for prompt and coordinated action to protect agricultural producers during the 2026 harvest season;

WHEREAS, while the Attorney General does not agree with the overtly partisan posturing in Governor Beshear's executive order, the Attorney General supports providing relief and support for Kentucky farmers;

WHEREAS, the Governor has issued Executive Order 2026-667, which in relevant part suspends the operation of KRS 138.502(1)-(3) and the State

penalties reflected in KRS 138.502(5)(a)-(b) for the duration of the declared state of emergency under Executive Order 2026-667;

WHEREAS, KRS 39A.180(2)(b) provides that the Governor may suspend a statute by executive order when an emergency is declared if the statute to be suspended is specifically enumerated by the Governor in the executive order and the executive order specifying the suspension is approved by the Attorney General in writing;

WHEREAS, KRS 39A.090(2) provides that "executive orders, administrative regulations, or other directives issued under this chapter by the Governor" shall be in effect no longer than thirty (30) days unless otherwise approved by the General Assembly or requested by certain local government officials; and,

WHEREAS, I have reviewed Executive Order 2026-667 and find that the suspension of KRS 138.502(1)-(3) and the State penalties reflected in KRS 138.502(5)(a)-(b), allowing "Kentucky farmers and truckers to use untaxed or dyed diesel fuel on public roadways," as provided for therein is not an unreasonable exercise of the Governor's authority under KRS 39A.180(2)(b).

NOW THEREFORE, pursuant to the authority vested in me by KRS 39A.180(2)(b), I, Russell Coleman, Attorney General of the Commonwealth of Kentucky, do hereby **APPROVE** the suspension of KRS 138.502(1)-(3) and the State penalties reflected in KRS 138.502(5)(a)-(b) as reflected in Executive Order 2026-667 for a period consistent with KRS 39A.090(2).

So **ORDERED** this the 7th day of October, 2026.

RUSSELL COLEMAN,
Attorney General
Commonwealth of Kentucky