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# HOUSE . . . . . No. 208

## The Commonwealth of Massachusetts

**In the Year Two Thousand Nine**

An Act relative to pricing in food stores and food departments..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 184B of chapter 94 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting before the definition of "Automatic checkout system" the following definition:--

"Affix", to price an item individually by means of a pricing tag or sticker appended to the item, or by printing the price on the product or its packaging.

SECTION 2. Section 184C of said chapter 94 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following:--

Except as hereinafter provided, every item in a food store and every grocery item in a food department offered for sale, whether edible or not, shall have affixed to each unit the correct selling price. This requirement shall not apply to any item in a food store or food department with under 50,000 square feet of food selling space which bears a Universal Product Code("UPC") barcode, either on the item or the item packaging or on a pricing tag or sticker appended to the item, provided that the seller has available in the store for consumer use at least

one electronic scanner for every 5,000 square feet of store selling space, with signs prominently posted adjacent to each scanner at and above eye level, identifying for consumers the location of the scanners, and seller remains in compliance with section 29 of chapter 98 of the General Laws by consistently maintaining a ninety eight percent (98%) or higher accuracy rate on their electronic scanners. Electronic scanners available for consumer use are capable of (1) identifying and displaying the item by name or other distinguishing characteristics; (2) displaying the price of the item; and (3) producing an individual pricing tag for that item. At each scanner location, the seller must also provide the consumer with a means by which such pricing tag may be easily affixed or appended to the item or its packaging (e.g. adhesive pricing tag.) Such scanners must also be in compliance with the Americans with Disabilities Act Accessibility Guidelines, 28 CFR Part 36, Appendix A and the Massachusetts Architectural Access Board Regulations 521 CMR 1.00 et seq.

SECTION 3. Section 184E of said chapter 94, as so appearing, is hereby amended by striking the last sentence.