

# HOUSE . . . . . No. 3544

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act To Improve The Law For The Pricing Of Grocery And Retail Items..

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

1           SECTION 1. Section 184B of chapter 94 of the General Laws, as appearing in the 2004  
2   Official Edition, is hereby amended by striking out the eighth paragraph and inserting in place  
3   thereof the following paragraph:

4           “Food department”, any seller other than a food store with any grocery item section,  
5   area, or display and which sells two hundred or more different food items for consumption off  
6   the seller’s premises at least in part to individuals for their own personal, family, or household  
7   use; provided, however, that any food section which is within a larger business and is the  
8   functional equivalent of a supermarket with its own separate checkout, may be deemed a food  
9   store by the director of standards.

10          SECTION 2. Section 184C of said Chapter 94, as so appearing, is hereby further  
11   amended by striking out the second paragraph and inserting in place thereof the following  
12   paragraph:

13           The following classes of items are exempt from the price marking requirement of this  
14 section and any other law or regulation regarding item-pricing; provided, however, that the  
15 cashier can readily discern the price of the exempted item, that no exempted item is marked with  
16 an incorrect price, and that a clear and conspicuous separate sign, or a single sign in the case of  
17 similar items all priced the same, larger than the seller's regular unit price label with the price no  
18 smaller than one inch high, is placed at the point of display of each exempted item containing the  
19 name of the item, the correct price, and, if appropriate, the size or other distinguishing  
20 information:

21           SECTION 3. Section 184C of said Chapter 94, as so appearing, is hereby further  
22 amended by adding at the end of such section the following paragraph:

23           (12) items other than grocery items, which, because of their bulk or weight, a reasonable  
24 consumer would be expected to seek customer assistance in purchasing.

25           SECTION 4. Section 184E of said Chapter 94, as so appearing, is hereby amended by  
26 striking out the seventh paragraph and inserting in place thereof the following paragraph:

27           Except for those items exempted by Section 184C (12) this section and sections one  
28 hundred and eighty-four B to one hundred and eighty-four D, inclusive, shall only apply to food  
29 stores and to grocery items in food departments. Except as herein provided, said sections shall  
30 not diminish any obligations under other laws or regulations regarding item pricing for sellers  
31 other than food stores or for items other than grocery items in food departments. The director of  
32 standards shall not issue a fine pursuant to this section and said sections one hundred and eighty-  
33 four B to one hundred and eighty-four D, inclusive, and section fifty-six D of chapter ninety-  
34 eight for the same violation. Where a seller is also subject to the item pricing regulations or

35 guidelines of another agency, in cases where a specified number of items is allowed to be  
36 exempted under two similar exceptions to the requirement of item pricing, such similar  
37 provisions shall not be additive. Compliance with another agency's regulations or guidelines  
38 which differ from said sections or any regulations issued hereunder by the director of standards  
39 shall not be a defense to a violation of said section or any regulations promulgated hereunder.