

HOUSE No. 995

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve the law for the pricing of grocery and retail items.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Vincent A. Pedone</i>	<i>15th Worcester</i>	<i>1/20/2011</i>

HOUSE No. 995

By Mr. Pedone of Worcester, a petition (accompanied by bill, House, No. 995) of Vincent A. Pedone relative to the pricing of grocery and retail items. Community Development and Small Businesses.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3544 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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.