

**HOUSE . . . . . No. 4664**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Alyson M. Sullivan*

*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 in relation to prohibiting price gouging with respect to goods, services and supplies during a declared public health emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>3/20/2020</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>	<i>3/20/2020</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>3/20/2020</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/20/2020</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/20/2020</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/20/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/20/2020</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>3/20/2020</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/20/2020</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>3/22/2020</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>3/23/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/23/2020</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>3/23/2020</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/23/2020</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>3/24/2020</i>

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By Ms. Sullivan of Abington, a petition (subject to Joint Rule 12) of Alyson M. Sullivan and others relative to prohibiting price gouging of goods, services and supplies during a declared public health emergency. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act in relation to prohibiting price gouging with respect to goods, services and supplies during a declared public health emergency.

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

1 Price gouging; goods, services and supplies during a Public Health Emergency.

2 1. For the purposes of this section, the following terms shall have the following  
3 meaning:

4 (a) “Public Health Emergency” shall mean a period of time during which the  
5 Governor of the Commonwealth of Massachusetts or the President of the United States has  
6 declared a State of Emergency pursuant to their respective authorities related to the health and  
7 safety of the residents of the Commonwealth of Massachusetts or some portion thereof.

8 (b) goods, services and supplies shall mean those goods, services, products, and  
9 supplies used, bought or rendered primarily for the care, cure, mitigation, treatment, or  
10 prevention of illness or disease, such term shall include, but not be limited to: bandages,  
11 disinfectants, gauze, or dressings; hand sanitizer, antibiotic ointment, rubbing alcohol, hydrogen

12 peroxide, saline solution; medical or surgical masks; medical or surgical gloves; tissues; over-  
13 the-counter medication; and any other goods or products identified in emergency regulations  
14 promulgated by the commission of the department of health during a public health emergency.

15           2.       No service provider, manufacturer, supplier, wholesaler, distributor or retail seller  
16 of such goods, services and supplies shall sell or offer for sale any such consumer goods,  
17 services or supplies for an amount which represents an unconscionably excessive price during a  
18 Public Health Emergency.

19           3.       (a) A price is not an “unconscionably excessive price” if it is fifteen percent or  
20 less above the price charged by the seller for such goods, services or supplies immediately prior  
21 to the Public Health Emergency. (b) A defendant may rebut a prima facie case based on an  
22 alleged violation of this section with evidence that additional costs not within the control of the  
23 defendant were imposed on the defendant for the goods, services or supplies that caused the price  
24 to exceed the fifteen percent increase.

25           4.       Where a violation of this section is alleged to have occurred, the Attorney General  
26 or the District Attorney may apply in the name of the people of the Commonwealth of  
27 Massachusetts to the Superior Court of the Commonwealth of Massachusetts within the judicial  
28 district in which such violations are alleged to have occurred, on notice of five days, for an order  
29 enjoining the allege unlawful acts. In any such proceeding, the court shall impose a civil penalty  
30 in an amount not to exceed twenty-five thousand dollars for each violation plus forfeiture of the  
31 amounts related to any transaction found to be an “unconscionably excessive price”.

32           5.       This Act shall take effect immediately.