

SENATE No. 243

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 relative to preventing price gouging during an emergency.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|----------------------------------|------------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>2/24/2021</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>2/24/2021</i> |
| <i>Sheila C. Harrington</i> | <i>1st Middlesex</i> | <i>2/24/2021</i> |
| <i>Alyson M. Sullivan</i> | <i>7th Plymouth</i> | <i>2/24/2021</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>2/25/2021</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/25/2021</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>2/26/2021</i> |

SENATE No. 243

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 243) of Bruce E. Tarr, Timothy R. Whelan, Joseph D. McKenna, Sheila C. Harrington and other members of the General Court for legislation relative to preventing price gouging during an emergency. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2652 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to preventing price gouging during an 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 Section 1. Chapter 93A as appearing in the 2018 official edition is hereby amended by
2 inserting after SECTION 11 at the end thereof the following new section 12:-

3 SECTION 12. (1) It shall be an unfair or deceptive act or practice, during any market
4 emergency, or any declared statewide emergency, for any petroleum-related business to sell or
5 offer to sell any petroleum product for an amount that represents an unconscionably high price.

6 (2) A price is unconscionably high if: (a) the amount charged represents a gross disparity
7 between the price of the petroleum product and 1. the price at which the same product was sold
8 or offered for sale by the petroleum-related business in the usual course of business immediately

9 prior to the onset of the market emergency, or 2. the price at which the same or similar petroleum
10 product is readily obtainable by other buyers in the trade area; and

11 (b) the disparity is not substantially attributable to increased prices charged by the
12 petroleum-related business suppliers or increased costs due to an abnormal market disruption.

13 (3). It shall be an unfair or deceptive act or practice, during any declared statewide or
14 national emergency, for any business at any point in the chain of distribution or manufacture to
15 sell or offer to sell to any consumer or to any other business any goods or services necessary for
16 the health, safety or welfare of the public for an amount that represents an unconscionably high
17 price.

18 (4) A price is unconscionably high for the purposes of paragraph 3 of this section
19 provided the following:

20 (a) there is gross disparity between the price charged or offered; and

21 1. the price at which the same good or service was sold or offered for sale by the business
22 in the usual course of business immediately prior to the onset of the declared statewide or
23 national emergency; or

24 2. the price at which the same or similar product is readily obtainable from other
25 businesses; and

26 (b) the disparity is not substantially attributable to increased prices charged by the
27 business's suppliers or increased costs due to an abnormal market disruption.