

By Mr. Bassett of Lynn, petition of Timothy A. Bassett for legislation to regulate certain pricing practices on consumer commodities. Commerce and Labor.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Eighty-Two.

---

AN ACT AFFECTING PRICING PRACTICES.

*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 181 of Chapter 94 of the General Laws, as most recently  
2 amended by Chapter 467 of the Acts of 1968, is hereby further  
3 amended by adding at the end thereof the following new sen-  
4 tence: —

5 The provisions of this section shall not apply to any of the fol-  
6 lowing:

7 Identical items within a multi-item package that is properly price  
8 marked.

9 Milk.

10 Consumer commodities which are under three cubic inches in  
11 size, weigh less than three ounces, and are priced under fifty cents.

12 Eggs.

13 Unpackaged bulk or fresh produce.

14 Items sold through a vending machine.

15 Food sold for consumption on the premises.

16 Consumer commodities offered for a period of fourteen days or  
17 less on sale in good faith at a price below the price such commo-  
18 dities are usually sold for in the store, provided that the sale price is  
19 clearly indicated to the consumer by conspicuous sign or otherwise  
20 located at or near the point of sale of such commodities.

21 Snack foods such as cakes, gum, candies, chips and nuts offered  
22 for sale in single packages and weighing five ounces or less.

23 Cigarettes, cigars, tobacco and tobacco products.

24 Beer, individual containers.

25 Baby food (strained and junior jars only).

26 Every retail grocery store or grocery department within a general  
27 retail merchandise store which uses an automatic checkout system  
28 shall cause to have a clearly readable price indicated on eighty-five  
29 per cent of the total number of packaged consumer commodities  
30 offered for sale, other than those exempted by virtue of this act.  
31 The management shall annually determine the number of consumer  
32 commodities normally offered for sale on a daily basis and  
33 shall maintain a list of those consumer commodities exempt under  
34 the provisions of this paragraph which list shall be available for  
35 review upon request by any consumer or employee of the depart-  
36 ment.

37 All items of like brand, size and price shall be counted as one  
38 item.

39 A retail food store that has as its only full-time employees the  
40 owner thereof, or the parent, spouse or child of the owner, or in  
41 addition thereto not more than two full-time employees; or a retail  
42 food store that had annual gross sales in the previous calendar year  
43 of less than two million dollars, unless the food store is a part of a  
44 network of subsidiaries, affiliates or other member stores, under  
45 direct or indirect common control, which, as a group, had annual  
46 gross sales the previous calendar year of two million dollars or  
47 more.

48 "Automatic checkout system" means a computer capable of  
49 interpreting the universal product code or any other code which is  
50 on an item offered for sale to determine the price of items being  
51 purchased, regardless of whether the code entry is accomplished  
52 manually by a human or automatically by a machine.

53 Consumers commodity includes:

54 Food, including all material whether solid, liquid, or mixed, and  
55 whether simple or compound, which is used or intended for con-  
56 sumption by human beings or domestic animals normally kept as  
57 household pets, and all substances or ingredients added to any such  
58 material for any purpose.

59 Napkins, facial tissues, toilet tissues, foil wrapping, plastic wrap-  
60 ping, paper toweling, and disposable plates and cups.

61 Detergents, soaps, and other cleaning agents.

62 Pharmaceuticals, including nonprescription drugs, bandages,  
63 female hygiene products, and toiletries.