

HOUSE No. 5943

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 9, 1977.

The committee on Commerce and Labor, to whom were referred so much of the recommendations of the Executive Office of Consumer Affairs (House, No. 33) as relates to repealing advertising restrictions pertaining to certain professions and occupations (accompanied by bill, House, No. 35); so much of the recommendations of the Consumers' Council (House, No. 42) as relates to repealing advertising restrictions pertaining to certain professions and occupations (accompanied by bill, House, No. 43) and the petition (accompanied by bill, House, No. 297) of Richard H. Demers and another that agencies and subdivisions of the Commonwealth be prohibited from regulating advertising relative to the sale price of consumer goods and services, report recommending that the accompanying bill (House, No. 5943) ought to pass.

For the committee,

RICHARD H. DEMERS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT PROHIBITING ANY AGENCY OF THE COMMONWEALTH OR ANY SUBDIVISION THEREOF FROM REGULATING ADVERTISING RELATING TO THE SALE PRICE OF CONSUMER GOODS AND OR SERVICES.

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 forty-six of Chapter ninety-four C of the
2 General Laws is hereby repealed.

1 SECTION 2. Section 19 of Chapter 112 of the General Laws, as
2 appearing in Chapter 105 of the Acts of 1951, is hereby further
3 amended by striking out, in lines 13 and 14, the words, "or
4 advertising fixed prices for professional services."

1 SECTION 3. Chapter 112 of the General Laws is hereby
2 amended by striking out Section 52A inserted by Chapter 281 of
3 the Acts of 1934, as most recently amended by Section 8 of Chapter
4 583 of the Acts of 1965, and inserting in place thereof the following
5 section: —

6 *Section 52A.* No registered dentist, person practicing dentistry,
7 or dental hygienist shall include, or permit or cause to be included,
8 in any newspaper, radio, display sign, personal solicitation or other
9 manner of advertising, any written or spoken words or statements
10 of a character tending to deceive or mislead the public, or claiming
11 the performance of painless operations of a dental or oral surgical
12 nature, or advertising the use of any drug, nostrum, patent or
13 proprietary medicine of an unknown formula, or advertising to use
14 any system of anesthetics without truly and accurately naming the
15 same or to use any such system unless such system is in fact used.
16 Nothing in the provisions of this section shall be construed to
17 apply to or to prohibit, restrict or limit the operations of the
18 business of a dental laboratory.

1 SECTION 4. Section fifty-two C of said chapter one hundred
2 and twelve of the General Laws is hereby repealed.

1 SECTION 5. Section 61 of said chapter 112, as most recently
2 amended by sections 2 and 3 of chapter 241 of the acts of 1963, is
3 hereby further amended, by adding, following the second
4 paragraph, the following new paragraph:—

5 No such board shall make any rule or regulation prohibiting the
6 advertising or dissemination of truthful information to consumers,
7 or any rule or regulation, the effect of which would trade or lessen
8 competition.

1 SECTION 6. The third paragraph of section 84 of said chapter
2 112 of the General Laws, as most recently amended by section 49 of
3 chapter 684 of the acts of 1972, is hereby further amended by
4 striking out, in lines 24 and 25, the words “or the advertising of
5 price in any form outside the licensed establishment.”

1 SECTION 7. Section 87K of said chapter 112 of the General
2 Laws, as amended by section 3 of chapter 314 of the acts of 1936, is
3 hereby further amended by striking out the last paragraph.

1 SECTION 8. Section 87KKK of said chapter 112, inserted by
2 section 2 of chapter 625 of the acts of 1958 is hereby amended by
3 striking out, in line 2, the words “fees for performing or rendering
4 any service.”

1 SECTION 9. Section 97 of said chapter 112 of the General
2 Laws, as inserted by section 2 of chapter 409 of the acts of 1966, is
3 hereby amended by striking out the second paragraph and
4 inserting in place thereof the following paragraph:—

5 No registered chiropractor or person practicing chiropractic
6 shall include, or permit or cause to be included, in any advertising
7 in any newspaper, or by radio, television, display sign, personal
8 solicitation or other manner of advertising, any written or spoken
9 words or statements of character tending to deceive or mislead the
10 public.

1 SECTION 10. Any ordinance or regulation or rule promul-
2 gated by an agency of the commonwealth or political sub-division
3 thereof which prohibits or limits competitive advertising relating
4 to the sale price of consumer goods and/or services shall be void as
5 against public policy.

The first part of the report deals with the general situation of the country and the progress of the various branches of industry and commerce. It is found that the country has made considerable progress in all these respects since the last report. The population has increased, and the various branches of industry and commerce have all shown a steady and healthy growth.

The second part of the report deals with the state of the various branches of industry and commerce. It is found that the various branches of industry and commerce have all shown a steady and healthy growth. The various branches of industry and commerce have all shown a steady and healthy growth.

The third part of the report deals with the state of the various branches of industry and commerce. It is found that the various branches of industry and commerce have all shown a steady and healthy growth. The various branches of industry and commerce have all shown a steady and healthy growth.

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The ninth part of the report deals with the state of the various branches of industry and commerce. It is found that the various branches of industry and commerce have all shown a steady and healthy growth. The various branches of industry and commerce have all shown a steady and healthy growth.

The tenth part of the report deals with the state of the various branches of industry and commerce. It is found that the various branches of industry and commerce have all shown a steady and healthy growth. The various branches of industry and commerce have all shown a steady and healthy growth.