

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Vincent A. Pedone**

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*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 passage of the accompanying bill:

**An Act To Improve The Law For The Pricing Of Grocery And Retail Items.**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Vincent A. Pedone	15th Worcester

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## 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.

2           Section 184B of chapter 94 of the General Laws, as appearing in the 2004 Official Edition, is hereby  
3           amended by striking out the eighth paragraph and inserting in place thereof the following paragraph:

4           “Food department”, any seller other than a food store with any  
5           grocery item section, area, or display and which sells two hundred or more different food  
6           items for consumption off the seller’s premises at least in part to individuals for their own  
7           personal, family, or  
8           household use; provided, however, that any food section which is within a larger business  
9           and is the functional equivalent of a supermarket with its own separate checkout, may be  
10          deemed a food store by the director of standards.

11          SECTION 2. Section 184C of said Chapter 94, as so appearing, is hereby further amended by striking out  
12          the second paragraph and inserting in place thereof the following paragraph:

13           The following classes of items are exempt from the price marking requirement of this section  
14 and any other law or regulation regarding item-pricing; provided, however, that the cashier can readily  
15 discern the price of the exempted item, that no exempted item is marked with an incorrect price, and  
16 that a clear and conspicuous separate sign, or a single sign in the case of similar items all priced the  
17 same, larger than the seller's regular unit price label with the price no smaller than one inch high, is  
18 placed at the point of display of each exempted item containing the name of the item, the correct price,  
19 and, if appropriate, the size or other distinguishing information:

20 SECTION 3. Section 184C of said Chapter 94, as so appearing, is hereby further  
21 amended by adding at the end of such section the following paragraph:

22 (12) items other than grocery items, which, because of their bulk or weight, a reasonable  
23 consumer would be expected to seek customer assistance in purchasing.

24 SECTION 4. Section 184E of said Chapter 94, as so appearing, is hereby amended by  
25 striking out the seventh paragraph and inserting in place thereof the following paragraph:

26           Except for those items exempted by Section 184C (12) this section and sections  
27 one hundred and eighty-four B to one hundred and  
28 eighty-four D, inclusive, shall only apply to food stores and to grocery items in food  
29 departments. Except as herein provided, said sections shall not diminish any obligations  
30 under other laws or  
31 regulations regarding item pricing for sellers other than food stores or for items other than  
32 grocery items in food departments. The director of standards shall not issue a fine  
33 pursuant to this section and said sections one hundred and eighty-four B to one hundred  
34 and eighty-four D, inclusive, and section fifty-six D of chapter ninety-eight for the same  
35 violation. Where a seller is also subject to the item pricing regulations or guidelines of  
36 another agency, in cases where a specified number of items is allowed to be exempted

37 under two similar exceptions to the requirement of item pricing, such similar provisions  
38 shall not be additive. Compliance with another agency's regulations or guidelines which  
39 differ from said sections or any regulations issued hereunder by the director of standards  
40 shall not be a defense to a violation of said section or any regulations promulgated  
41 hereunder.