

HOUSE No. 193

By Mr. Torrasi of North Andover, petition of David M. Torrasi relative to pricing in food stores and food departments. Community Development and Small Business.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PRICING IN FOOD STORES AND FOOD DEPARTMENTS.

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 184B of Chapter 94 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 inserting before the definition of “automatic checkout system” the
4 following definition:—
5 “Affix”, to price an item individually by means of a pricing tag
6 or sticker appended to the item, or by printing the price on the
7 product or its packaging.

1 SECTION 2. Section 184C of said Chapter 94 of the General
2 Laws, as so appearing, is hereby amended by striking out the first
3 paragraph and inserting in place thereof the following:—
4 Except as hereinafter provided, every item in a food store and
5 every grocery item in a food department offered for sale, whether
6 edible or not, shall have affixed to each unit the correct selling
7 price. This requirement shall not apply to any item in stores under
8 50,000 square feet of selling space which bears a Universal
9 Product Code(“UPC”) barcode, either on the item or the item
10 packaging or on a pricing tag or sticker appended to the item, pro-
11 vided that the seller has available in the store for consumer use at
12 least one electronic scanner for every 5,000 square feet of store
13 selling space, with signs prominently posted adjacent to each
14 scanner at and above eye level, identifying for consumers the

15 location of the scanners, and seller remains in compliance with
16 Section 29 of Chapter 98 of the General Laws by consistently
17 maintaining a ninety eight percent (98%) or higher accuracy rate
18 on their electronic scanners. Electronic scanners available for con-
19 sumer use are capable of (1) identifying and displaying the item
20 by name or other distinguishing characteristics; (2) displaying the
21 price of the item; and (3) producing an individual pricing tag for
22 that item. At each scanner location, the seller must also provide
23 the consumer with a means by which such pricing tag may be
24 easily affixed or appended to the item or its packaging (e.g. adhe-
25 sive pricing tag.) Such scanners must also be in compliance with
26 the Americans with Disabilities Act Accessibility Guidelines, 28
27 CFR Part 36, Appendix A and the Massachusetts Architectural
28 Access Board Regulations 521 CMR 1.00 et seq.

1 SECTION 3. Section 184E of said Chapter 94, as so appearing,
2 is hereby amended by striking the last sentence.