

CONSUMER PRICE SCANNER WAIVER INSTRUCTION SHEET

A APPLICATION MUST BE SUBMITTED FOR EACH STORE LOCATION SEEKING A WAIVER

This application must be filled out as indicated, duly signed, and returned to this office. If the applicant, has no outstanding fines under M.G.L. Chapter 94 sections 184B to 184D, inclusive, or section 56D of chapter 98 a waiver may be issued provided all of the other requirements have been met. **Mail to the Division of Standards: One Ashburton Place, Room 1115, Boston, MA 02108**

INSTRUCTIONS

These instructions include requirements for filing your waiver application. Please ensure that you follow all the instructions below or it could result in a delay of processing you application and issuance of the waiver.

FRONT OF APPLICATION

1. Corporate Information must be completed.
2. Store Information is for the location requesting the waiver and must be completed.
3. Check fee box

WAIVER FEE SCHEDULE (EXPIRES JUNE 30, 2014)

CLASS	RETAIL SQ.FT.	FEE
A	30,000 sq. ft. or OVER	\$1,000.00
B	15,000 sq. ft. but less than 30,000 sq. ft.	\$500.00
C	Under 15,000 sq. ft.	\$250.00

Review the statement and indicate amount paid.

4. Sign front of application under the penalties of perjury.

BACK PAGE APPLICATION

5. Read "NO JOB LOSS" AFFIDAVIT
6. Enter current number of full-time and part-time employees in space provided
7. Circle response regarding Human Resource policies, for an employee complaint process, to ensure that full time and part-time employees do not suffer any wage or benefit loss due to the transfer.
8. **IMPORTANT: A COPY OF THE HUMAN RESOURCES POLICY MUST BE INCLUDED WITH THE APPLICATION.**
9. Read CONSUMER SCANNER REQUIREMENTS.
10. Enter the square footage of the retail space in the space provided.
11. Enter the number of consumer scanners required in the space provided. One scanner is required for every 5,000 square feet of food and grocery display space including the fully operational scanners capable of printing an individual price tag as follows

A food store or food department with more than 5,000 square feet but less than 20,000 square feet shall have 1 fully operational consumer price scanner capable of producing an individual item pricing tag, located at the front of the food store or food department. A food store or food department with more than 20,000 square feet shall have 2 fully operational consumer price scanners capable of producing an individual item pricing tag, with at least 1 located at the front of the food store or food department.;
12. **IMPORTANT: A SCHEMATIC MAP SHOWING THE LOCATION OF THE CONSUMER SCANNERS THROUGHOUT THE FOOD STORE OR FOOD DEPARTMENT MUST BE INCLUDED WITH THIS APPLICATION. THE LOCATION OF THE SCANNER(S) THAT HAVE THE CAPABILILTY TO PRINT A RECIPT THAT CAN BE ATTACHED TO THE ITEM MUST BE CLEARLY INDICATED ON THE STORE FLOOR SCHEMATIC.**

STORE RESPONSIBILITIES AND MAINTAINING OF CONSUMER SCANNERS

CMR 202 7:05 SCANNER SPECIFICATIONS

Each food store or food department with more than 5,000 square feet of retail grocery item sales space that utilizes a consumer price scanner system shall have at least one fully operational consumer price scanner for every 5,000 square feet of retail grocery item sales space or part thereof;

The location of a consumer price scanner shall be disclosed by one clear and conspicuous price sign at eye level, and one clear and conspicuous sign above eye level;

Consumer price scanners shall be equally spaced throughout the store in fixed locations; All consumer price scanners shall comply with the Americans with Disabilities Act Accessibility Guidelines, 28 CFR Part 36, Appendix A, and the Architectural Access Board regulations, 521 CMR 1.00, *et seq.*;

A sign shall be posted at each consumer price scanner containing contact information for the Division of Standards, so that consumers may report non-operating or otherwise defective consumer price scanners to the Division;

Inoperable scanners shall be repaired or replaced as soon as is practicable, but in no event shall scanners go unrepaired or replaced for longer than 72 hours;

A food store or food department with more than 5,000 square feet but less than 20,000 square feet shall have 1 fully operational consumer price scanner capable of producing an individual item pricing tag, located at the front of the food store or food department. A food store or food department with more than 20,000 square feet shall have 2 fully operational consumer price scanners capable of producing an individual item pricing tag, with at least 1 located at the front of the food store or food department.

At all such printing scanner locations, the food store or food department shall provide the consumer with a means by which such pricing tag may be affixed or appended to the item or its packaging, such as tape or an adhesive pricing tag.

Consumer price scanners shall be deemed fully operational if:

The consumer price scanner clearly and conspicuously identifies and displays the item by name or other distinguishing characteristics;

The consumer price scanner displays the item's correct price when the item is scanned;

In the case of a food store or food department that uses loyalty cards or otherwise maintains a dual pricing system, the consumer price scanner displays both the loyalty card price and the non-card price if they differ;

For scanners capable of producing an individual item pricing tag, the food store or food department provides the consumer with a means by which such pricing tag may be appended to the item or its packaging, such as tape or an adhesive price tag.

CMR 202 7:05 SCANNER SPECIFICATIONS CONT.

The Deputy Director may, by regulation, authorize new technologies which further the intent of this section, including, but not limited to, hand held or shopping cart-attached scanners which retain in memory and itemize all scanned items. Such technologies may reduce the required number of consumer price scanners by no more than 50 percent.

202 CMR 7.04 (4) MAINTENANCE AND LOGS

Any food store or food department with more than 5,000 square feet of retail grocery item sales space that converts from an individual item pricing system to a consumer price scanner system shall within 3 months of such conversion hire or maintain not less than 2 employees whose responsibilities shall include the maintenance of all consumer price scanners within the food store or food department. Such maintenance shall include at a minimum:

daily checks of each consumer price scanner in the food store or food department to ensure that each such scanner is plugged in and operating correctly, including conducting a test scan of at least one item for each scanner to ensure that the scanner is operational;

Maintain a daily data log to record any and all repair requests for out-of-order scanners;

Place a sign on out-of-order scanners until they have been repaired, signs must include information re-directing consumers to the nearest operational scanner;

Replenish as needed materials used to provide individual pricing tags and the materials providing the means of affixing or attaching scanner-produced pricing information for printing scanners;

Ensure that inoperable or malfunctioning scanners are repaired or replaced within 72 hours of notification of malfunction or inoperability;

Ensure that shelf tags for merchandise are current and correct;

Maintain data log entries for price discrepancies as outlined in 202 CMR 7:07(6)..
202 CMR 7:07 (6)

All food stores and food departments, regardless of the pricing system utilized, shall maintain data on price discrepancies, which shall be provided to the division upon request.

The data shall be recorded on a daily log, signed or initialed by the employee who enters the data;

The log shall reference the time and date of the discrepancy, the name and brand of the item and the SKU or UPS code of the item, the price charged, the price differential, the steps taken to rectify the pricing error, and the time elapsed from discovery of the error to time it is corrected;

For those errors in a food store or food department using consumer price scanners which result in providing the consumer with a free item, a discounted item, and/or additional units provided to the consumer at the correct price, the log should also reflect the quantities of free or discounted items provided.

CONSUMER SCANNER WAIVER APPLICATION CHECK LIST

DOCUMENTS REQUIRED TO BE SUBMITTED WITH YOUR APPLICATION ARE:

- ☐ **A COMPLETED AND SIGNED APPLICATION**
- ☐ **A SCHEMATIC MAP SHOWING THE PROPOSED LOCATION OF THE CONSUMER SCANNERS THROUGHOUT THE FOOD STORE OR FOOD DEPARTMENT MUST BE INCLUDED WITH THIS APPLICATION. IDENTIFY THE SCANNERS THAT WILL HAVE THE CAPABILITY TO PRINT A RECEIPT THAT CAN BE ATTACHED TO THE ITEM.**
- ☐ **A COPY OF THE HUMAN RESOURCE POLICIES, REGARDING AN EMPLOYEE COMPLAINT PROCESS, TO ENSURE THAT FULL TIME AND PART-TIME EMPLOYEES DO NOT SUFFER ANY WAGE OR BENEFIT LOSS DUE TO THE TRANSFER.**
- ☐ **A CHECK MADE PAYABLE TO THE COMMONWEALTH OF MASSACHUSETTS.**