

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1648

Session of  
1987

INTRODUCED BY DeLUCA, J. TAYLOR, CALTAGIRONE, DURHAM, WIGGINS,  
ITKIN, KASUNIC, STABACK, PISTELLA, JOSEPHS, MELIO, FREEMAN,  
PRESTON, LASHINGER AND TRELLO, JULY 1, 1987

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 1, 1987

AN ACT

1 Relating to item pricing; requiring mandatory item pricing for  
2 certain establishments; providing for violations and  
3 penalties for noncompliance.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Item Pricing  
8 Law.

9 Section 2. Legislative purpose.

10 In the interests of the consumer and the general public at  
11 large, it is the intent of the General Assembly to provide for  
12 the universal product code check-out system without the removal  
13 of item prices. The General Assembly believes that the use of  
14 scanning devices and item pricing is an indispensable ingredient  
15 to a consumer's right to all reasonable information to make an  
16 informed purchase decision.

17 Section 3. Mandatory item pricing.

18 (a) Certain establishments.--Beginning January 1, 1988,

1 every person, firm, partnership, copartnership, corporation or  
2 association which sells or offers for sale a consumer commodity  
3 shall disclose to the consumer the item price of the commodity.  
4 This section shall apply to any retail establishment whether in  
5 a food store or grocery department of a general merchandise  
6 store.

7 (b) Display.--Item prices shall be displayed to any consumer  
8 through markings which are clear, conspicuous and plainly  
9 visible. Such markings shall be marked, stamped, tagged or  
10 affixed to the item and shall display the selling price in  
11 arabic numerals.

#### 12 Section 4. Notification of violation.

13 (a) Procedures.--Prior to instituting any action, the  
14 Secretary of Agriculture shall notify the offending food store  
15 of the specific elements of the violation, and the food store  
16 shall have 30 days in which to correct the violation.

17 (b) Corrections.--If the violation is corrected not later  
18 than 30 days after receipt of the notification, no penalty shall  
19 be imposed. For purposes of this section, a violation occurs  
20 when a food store fails to have a clearly readable price on 12  
21 identical items of the same commodity.

#### 22 Section 5. Effect of noncompliance.

23 (a) Violations.--If, after being notified of a violation, a  
24 food store fails to remedy the violation, failure to have a  
25 clearly readable price on 12 identical items of the same  
26 commodity shall constitute noncompliance.

27 (b) Additional violations.--In these cases, each additional  
28 group of 12 identical units not item priced, or improperly  
29 priced, shall constitute a violation. Each day a violation is  
30 continued after the 30-day period has expired shall constitute a

1 separate violation.

2 Section 6. Certain commodities exempt.

3 This act shall apply to all consumer commodities except for:

4 (1) Items sold through vending machines.

5 (2) Food sold for consumption on the premises.

6 (3) Snack foods offered for sale in single packages  
7 weighing five ounces or less.

8 (4) Cigarettes, cigars and tobacco products.

9 (5) Milk, eggs and unpackaged produce if the price is  
10 clearly indicated by a conspicuous sign or otherwise located  
11 at or near the point of sale.

12 (6) Consumer commodities offered on sale, in good faith,  
13 where the price is clearly indicated by a conspicuous sign or  
14 otherwise located at or near the point of sale.

15 Section 7. Certain establishments exempt.

16 This act shall not apply to a food store or department of a  
17 general merchandise store that:

18 (1) had annual gross sales in the previous calendar year  
19 of less than \$3,000,000, unless the store is part of a  
20 network of subsidiaries, affiliates or other member stores  
21 which are directly or indirectly under common control and  
22 which, as a group, had annual gross sales in the previous  
23 calendar year of at least \$3,000,000; or

24 (2) has as its only full-time employees, the owner or  
25 members of the immediate family of the owners.

26 Section 8. Enforcement.

27 This act shall be enforced by the Department of Agriculture  
28 which shall promulgate rules and regulations necessary for the  
29 enforcement of this act.

30 Section 9. Penalty.

1       An establishment which violates this act commits a summary  
2 offense and shall, upon conviction, be sentenced to pay a fine  
3 of \$1,000 for each violation.

4 Section 10.   Effective date.

5       This act shall take effect in 60 days.