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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1148 Session of  
2022

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INTRODUCED BY CAPPELLETTI, SAVAL, FONTANA, KANE, KEARNEY, MUTH  
AND COSTA, MARCH 24, 2022

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MARCH 24, 2022

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AN ACT

1 Amending the act of October 31, 2006 (P.L.1210, No.133),  
2 entitled "An act prohibiting price gouging; and imposing  
3 penalties," further providing for purpose, for definitions,  
4 for price gouging prohibited and for investigation.

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

7 Section 1. Section 2 of the act of October 31, 2006  
8 (P.L.1210, No.133), known as the Price Gouging Act, is amended  
9 to read:

10 Section 2. Purpose.

11 The General Assembly finds and declares as follows:

12 (1) In an economic market there are periods of  
13 disruption of the market which cause an uneven flow of supply  
14 of consumer goods. During these periods, consumer demand  
15 outweighs supply, sometimes heavily.

16 (2) These periods of disruption result from many  
17 factors, including extreme weather conditions, depletion of  
18 stockpiles, labor strikes, civil disorder, natural or manmade

1 emergencies [or], disasters and military action or pandemics.

2 (3) During these periods, parties involved in the sale  
3 and resale of consumer goods and services sometimes take  
4 unfair advantage of [consumers] others in the chain of  
5 distribution and end users, including persons, businesses and  
6 government entities in this Commonwealth by charging  
7 unconscionably excessive prices, or price gouging.

8 (4) To prevent this, the General Assembly should  
9 prohibit price gouging and impose penalties on violators.

10 Section 2. The definition of "consumer goods or services" in  
11 section 3 of the act is amended to read:

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Consumer goods or services." [Those] The term includes:

18 (1) those items used, bought or rendered [primarily] for  
19 personal, family or household purposes[.];

20 (2) essential medical supplies or services used for the  
21 care, cure, mitigation, treatment or prevention of an illness  
22 or disease; or

23 (3) goods or services used to promote health, safety or  
24 welfare of the public.

25 \* \* \*

26 Section 3. Sections 4(a) and (e) and 5(a) of the act are  
27 amended to read:

28 Section 4. Price gouging prohibited.

29 (a) Prohibition.--[During and within 30 days of the  
30 termination of a state of disaster emergency declared by the

1 Governor pursuant to the provisions of 35 Pa.C.S. § 7301(c)  
2 (relating to general authority of Governor),] When a period of  
3 disruption of the market results from an extreme weather  
4 condition, a depletion of stockpiles, civil disorder, natural or  
5 manmade disaster, military action or pandemic that causes an  
6 uneven flow of consumer goods or services or both to a  
7 geographic region of the Commonwealth, it shall be a violation  
8 of this act for any party within the chain of distribution of  
9 consumer goods or services or both to sell or offer to sell the  
10 goods or services within the geographic region [that is the  
11 subject of the declared emergency] for an amount which  
12 represents an unconscionably excessive price.

13 \* \* \*

14 [(e) Notification.--A trade association, corporation,  
15 partnership, person or other entity may register an agent for  
16 the purpose of being notified when the Governor declares and  
17 ceases a state of emergency. The Governor or his designee is  
18 responsible for notifying the registered agents upon the  
19 declaration and cessation of the state of emergency. Lack of  
20 notification or the failure to receive notification of the  
21 declaration and cessation of an emergency shall not be a defense  
22 with respect to any violation of this act.]

23 Section 5. Investigation.

24 (a) Authority.--The [Bureau of Consumer Protection in the]  
25 Office of Attorney General shall investigate any complaints  
26 received concerning violations of this act. If, after  
27 investigating any complaint, the Attorney General finds that  
28 there has been a violation of this act, the Attorney General may  
29 bring an action to impose a civil penalty up to \$10,000 for each  
30 violation and to seek other relief, including injunctive relief,

1 restitution and costs under the act of December 17, 1968  
2 (P.L.1224, No.387), known as the Unfair Trade Practices and  
3 Consumer Protection Law.

4 \* \* \*

5 Section 4. This act shall take effect in 60 days.