



General Assembly

January Session, 2001

Committee Bill No. 5193

LCO No. 3125

Referred to Committee on General Law

Introduced by:

(GL)

AN ACT CONCERNING THE USE OF BAR CODE SCANNING MACHINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 21a-79 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) For the purposes of this section (1) "consumer commodity" and
4 "unit of a consumer commodity" [shall] have the same meaning as in
5 section 21a-73, except that consumer commodity [shall] does not
6 include alcoholic liquor, as defined in subdivision (3) of section 30-1, or
7 a carbonated soft drink container; (2) "carbonated soft drink container"
8 means an individual, separate, sealed glass, metal or plastic bottle, can,
9 jar or carton containing a carbonated liquid soft drink sold separately
10 or in packages of not more than twenty-four individual containers; (3)
11 "universal product coding" [shall mean] means any system of coding
12 [which] that entails electronic pricing; (4) an electronic shelf labeling
13 system is an electronic system [which] that utilizes an electronic device
14 attached to the shelf or at any other point of sale, immediately below
15 or above the item, [which] that conspicuously and clearly displays to
16 the consumer the unit price and the price of the consumer commodity.

17 Such electronic shelf labeling system reads the exact same data as the
18 electronic cash register scanning system; and (5) an electronic pricing
19 system is a system [which] that utilizes the universal product coding
20 bar code by means of a scanner in combination with the cash register
21 to record and total a customer's purchases.

22 (b) (1) (A) Any person, firm, partnership, association or corporation
23 [which] that utilizes universal product coding in totaling a retail
24 customer's purchases shall mark or cause to be marked each consumer
25 commodity which bears a Universal Product Code with its retail price.

26 (B) Any person, firm, partnership, association or corporation that
27 utilizes an electronic pricing system in totaling a retail consumer's
28 purchases shall provide each consumer with an item-by-item digital
29 display, plainly visible to the consumer, of the price of each consumer
30 commodity or carbonated soft drink container, or both, selected for
31 purchase by such consumer prior to accepting payment from such
32 consumer for such commodity or container.

33 (2) The provisions of subparagraph (A) of subdivision (1) of this
34 subsection shall not apply if: (A) The Commissioner of Consumer
35 Protection, by regulation, allows for the utilization of electronic shelf
36 labeling systems; (B) a retailer is granted approval to utilize an
37 electronic shelf labeling system by the commissioner; and (C) the
38 retailer has demonstrated to the satisfaction of the commissioner that
39 such electronic shelf labeling system is supported by an electronic
40 pricing system which utilizes universal product coding in totaling a
41 retail customer's purchases.

42 (3) Consumer commodities [which] that are advertised in a publicly-
43 circulated printed form as being offered for sale at a reduced price for
44 a minimum seven-day period need not be individually marked at such
45 reduced retail price, provided such consumer commodities are
46 individually marked with their regular retail price and a conspicuous
47 sign is adjacent to such consumer commodities, which sign discloses:
48 (A) The reduced retail price and its unit price; and (B) a statement that

49 the item will be electronically priced at the reduced price by the
50 cashier.

51 (4) If a consumer commodity is offered for sale at a reduced price, in
52 accordance with subdivision (3) of this subsection and its electronic
53 price is higher than the reduced price on the sign which is adjacent to
54 the consumer commodity, then one item of such consumer commodity
55 shall be given to the consumer upon demand at no cost. A conspicuous
56 sign shall adequately disclose to the consumer that in the event the
57 electronic price is higher than the reduced retail price, one item of such
58 consumer commodity shall be given to the customer upon demand at
59 no cost.

60 (c) (1) The Commissioner of Consumer Protection may adopt
61 regulations in accordance with the provisions of chapter 54 concerning
62 the marking of prices and use of universal product coding on each unit
63 of a consumer commodity.

64 (2) The Commissioner of Consumer Protection may adopt
65 regulations in accordance with the provisions of chapter 54
66 designating not more than ten consumer commodities [which] that
67 need not be marked in accordance with subdivision (1) of subsection
68 (b) of this section and specifying the method of providing adequate
69 disclosure to consumers to insure that the electronic pricing of the
70 designated consumer commodities is accurate. The commissioner may
71 establish by regulation methods to protect consumers against
72 electronic pricing errors of such designated consumer commodities
73 and to insure that the electronic prices of such designated consumer
74 commodities are accurate. Among the methods [which] that the
75 commissioner may consider are conditions similar to those set forth in
76 subdivision (4) of subsection (b) of this section.

77 (d) The Commissioner of Consumer Protection, after providing
78 notice and conducting a hearing in accordance with the provisions of
79 chapter 54, may issue a warning citation or impose a civil penalty of
80 not more than one hundred dollars for the first offense and not more

81 than five hundred dollars for each subsequent offense on any person,
82 firm, partnership, association or corporation [which] that violates any
83 provision of subsection (b) of this section or any regulation adopted
84 pursuant to subsection (c) of this section. Any person, firm,
85 partnership, association or corporation [which] that violates any
86 provision of subsection (b) of this section or any regulation adopted
87 pursuant to subsection (c) of this section shall be fined not more than
88 two hundred dollars for the first offense nor more than one thousand
89 dollars for each subsequent offense. Each violation with respect to all
90 units of a particular consumer commodity on any single day shall be
91 deemed a single offense.

Statement of Purpose:

To provide consumers with a way to check for scanning errors during check out.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. ABRAMS, 83rd Dist.