



Senate

General Assembly

File No. 84

January Session, 2005

Substitute Senate Bill No. 1181

Senate, March 30, 2005

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE POSTING OF PRICES ON RETAIL END CAPS.

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

1 Section 1. Section 21a-79 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

14 or at any other point of sale, immediately below or above the item, that
15 conspicuously and clearly displays to the consumer the unit price and
16 the price of the consumer commodity. Such electronic shelf labeling
17 system reads the exact same data as the electronic cash register
18 scanning system; and (5) an electronic pricing system is a system that
19 utilizes the universal product coding bar code by means of a scanner in
20 combination with the cash register to record and total a customer's
21 purchases.

22 (b) (1) (A) Any person, firm, partnership, association or corporation
23 that utilizes universal product coding in totaling a retail customer's
24 purchases shall mark or cause to be marked each consumer
25 commodity that 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 as each universal pricing code
30 is scanned, of the price of each consumer commodity or carbonated
31 soft drink container, or both, selected for purchase by such consumer
32 prior to accepting payment from such consumer for such commodity
33 or container. The provisions of this subparagraph do not apply to any
34 person, firm, partnership, association or corporation operating in a
35 retail sales area of not more than ten thousand square feet.

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

46 (3) The provisions of subparagraph (A) of subdivision (1) of this

47 subsection shall not apply if: (A) The retailer has met the conditions of
48 subdivision (2) of this subsection; and (B) the retailer has received
49 permission by the commissioner to suspend implementation of the
50 electronic pricing system for a period not to exceed thirty days in order
51 to allow the retailer or an agent acting on behalf of the retailer to reset,
52 remodel, repair or otherwise modify such system at the retail
53 establishment.

54 (4) Notwithstanding any provision of this subsection, consumer
55 commodities that are offered for sale and that are located on an end
56 cap display within the retail sales area are not subject to any
57 requirement for the utilization of an electronic shelf labeling system,
58 provided any information that would have been available to a
59 consumer with the use of an electronic shelf labeling system is clearly
60 and conspicuously posted on or adjacent to such end cap. For purposes
61 of this subdivision, "end cap display" means the location in the retail
62 sales area that is at the immediate end of an aisle.

63 ~~[(4)]~~ (5) Consumer commodities that are advertised in a publicly-
64 circulated printed form as being offered for sale at a reduced price for
65 a minimum seven-day period need not be individually marked at such
66 reduced retail price, provided such consumer commodities are
67 individually marked with their regular retail price and a conspicuous
68 sign is adjacent to such consumer commodities, which sign discloses:
69 (A) The reduced retail price and its unit price; and (B) a statement that
70 the item will be electronically priced at the reduced price by the
71 cashier.

72 ~~[(5)]~~ (6) If a consumer commodity is offered for sale at a reduced
73 price, in accordance with subdivision ~~[(4)]~~ (5) of this subsection and its
74 electronic price is higher than the reduced price on the sign that is
75 adjacent to the consumer commodity, then one item of such consumer
76 commodity shall be given to the consumer upon demand at no cost. A
77 conspicuous sign shall adequately disclose to the consumer that in the
78 event the electronic price is higher than the reduced retail price, one
79 item of such consumer commodity shall be given to the customer upon

80 demand at no cost.

81 (c) (1) The Commissioner of Consumer Protection may adopt
82 regulations, in accordance with the provisions of chapter 54,
83 concerning the marking of prices and use of universal product coding
84 on each unit of a consumer commodity.

85 (2) The Commissioner of Consumer Protection may adopt
86 regulations, in accordance with the provisions of chapter 54,
87 designating not more than twelve consumer commodities that need
88 not be marked in accordance with subdivision (1) of subsection (b) of
89 this section and specifying the method of providing adequate
90 disclosure to consumers to insure that the electronic pricing of the
91 designated consumer commodities is accurate. The commissioner may
92 establish by regulation methods to protect consumers against
93 electronic pricing errors of such designated consumer commodities
94 and to insure that the electronic prices of such designated consumer
95 commodities are accurate. Among the methods that the commissioner
96 may consider are conditions similar to those set forth in subdivision
97 [(4)] (5) of subsection (b) of this section.

98 (d) The Commissioner of Consumer Protection, after providing
99 notice and conducting a hearing in accordance with the provisions of
100 chapter 54, may issue a warning citation or impose a civil penalty of
101 not more than one hundred dollars for the first offense and not more
102 than five hundred dollars for each subsequent offense on any person,
103 firm, partnership, association or corporation that violates any
104 provision of subsection (b) of this section or any regulation adopted
105 pursuant to subsection (c) of this section. Any person, firm,
106 partnership, association or corporation that violates any provision of
107 subsection (b) of this section or any regulation adopted pursuant to
108 subsection (c) of this section shall be fined not more than two hundred
109 dollars for the first offense nor more than one thousand dollars for
110 each subsequent offense. Each violation with respect to all units of a
111 particular consumer commodity on any single day shall be deemed a
112 single offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-79

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Consumer Protection, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the requirement that retailers use electronic shelf labels for commodities located on “end cap displays” under certain conditions. The bill has no fiscal impact.

OLR Bill Analysis

sSB 1181

***AN ACT CONCERNING THE POSTING OF PRICES ON RETAIL
END CAPS*****SUMMARY:**

The law requires retailers to mark each item with its price if they choose to use Universal Product Coding (UPC) to ring up a customer's purchases. It allows retailers to obtain an exemption from the item-pricing requirement if they operate an approved electronic shelf labeling system. The bill eliminates the requirement that these retailers use electronic shelf labels for commodities located on "end cap displays" if the information otherwise provided on an electronic shelf label is clearly and conspicuously posted on, or adjacent to, the end cap display. The bill defines "end cap display" as the location that is at the immediate end of the aisle. The law authorizes the consumer protection commissioner to grant the exemption. Electronic shelf labels display an item's retail and unit price.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 15 Nay 0