



General Assembly

February Session, 2006

Raised Bill No. 496

LCO No. 2602

02602_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

**AN ACT CONCERNING ITEM PRICING OF CONSUMER
COMMODITIES.**

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

1 Section 1. Subsection (b) of section 21a-79 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2006*):

4 (b) (1) (A) Any person, firm, partnership, association or corporation
5 that utilizes universal product coding in totaling a retail customer's
6 purchases shall mark or cause to be marked each consumer
7 commodity that bears a Universal Product Code with its retail price.

8 (B) Any person, firm, partnership, association or corporation that
9 utilizes an electronic pricing system in totaling a retail consumer's
10 purchases shall provide each consumer with an item-by-item digital
11 display, plainly visible to the consumer as each universal pricing code
12 is scanned, of the price of each consumer commodity or carbonated
13 soft drink container, or both, selected for purchase by such consumer
14 prior to accepting payment from such consumer for such commodity
15 or container. The provisions of this subparagraph do not apply to any

16 person, firm, partnership, association or corporation operating in a
17 retail sales area of not more than ten thousand square feet.

18 (2) The provisions of subparagraph (A) of subdivision (1) of this
19 subsection shall not apply if: (A) The Commissioner of Consumer
20 Protection, by regulation, allows for the utilization of electronic shelf
21 labeling systems; (B) a retailer is granted approval to utilize an
22 electronic shelf labeling system by the commissioner; (C) the retailer
23 has demonstrated to the satisfaction of the commissioner that such
24 electronic shelf labeling system is supported by an electronic pricing
25 system that utilizes universal product coding in totaling a retail
26 customer's purchases; and (D) the retailer has received approval for
27 such an electronic pricing system by the commissioner.

28 (3) The provisions of subparagraph (A) of subdivision (1) of this
29 subsection shall not apply if: (A) The retailer has met the conditions of
30 subdivision (2) of this subsection; and (B) the retailer has received
31 permission by the commissioner to suspend implementation of the
32 electronic pricing system for a period not to exceed thirty days in order
33 to allow the retailer or an agent acting on behalf of the retailer to reset,
34 remodel, repair or otherwise modify such system at the retail
35 establishment.

36 (4) Notwithstanding any provision of this subsection, consumer
37 commodities that are offered for sale and that are located on an end
38 cap display within the retail sales area are not subject to any
39 requirement for the utilization of an electronic shelf labeling system,
40 provided any information that would have been available to a
41 consumer with the use of an electronic shelf labeling system is clearly
42 and conspicuously posted on or adjacent to such end cap. For purposes
43 of this subdivision, "end cap display" means the location in the retail
44 sales area that is at the immediate end of an aisle.

45 (5) Consumer commodities that are advertised in a publicly-
46 circulated printed form as being offered for sale at a reduced price for
47 a minimum seven-day period need not be individually marked at such

48 reduced retail price, provided such consumer commodities are
49 individually marked with their regular retail price and a conspicuous
50 sign is adjacent to such consumer commodities, which sign discloses:
51 (A) The reduced retail price and its unit price; and (B) a statement that
52 the item will be electronically priced at the reduced price by the
53 cashier.

54 (6) If a consumer commodity is offered for sale [at a reduced price,
55 in accordance with subdivision (5) of this subsection] and its electronic
56 price is higher than the [reduced price on the sign that is adjacent to
57 the consumer commodity] posted price, then one item of such
58 consumer commodity, up to a value of twenty dollars, shall be given to
59 the consumer [upon demand] at no cost. A conspicuous sign shall
60 adequately disclose to the consumer that in the event the electronic
61 price is higher than the [reduced] posted retail price, one item of such
62 consumer commodity shall be given to the customer [upon demand] at
63 no cost.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	21a-79(b)

Statement of Purpose:

To implement the recommendations of the Department of Consumer Protection's Item and Unit Pricing Task Force.

[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.]