



# Senate

General Assembly

**File No. 13**

February Session, 2012

Senate Bill No. 71

*Senate, March 6, 2012*

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## ***AN ACT EXPANDING THE "ONE FREE ITEM" RETAIL SALES LAW.***

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

1 Section 1. Subsection (b) of section 21a-73 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2012*):

4 (b) "Consumer commodity" means any food, including, but not  
5 limited to, any food that is weighed for retail sale at the point of  
6 purchase, or any drug, device, cosmetic or other article, product, or  
7 commodity of any other kind or class, except drugs sold only by  
8 prescription, which is customarily produced for sale to retail sales  
9 agencies or instrumentalities for consumption by individuals, or use  
10 by individuals for purposes of personal care or in the performance of  
11 services ordinarily rendered in or around the household, and which  
12 usually is consumed or expended in the course of such consumption or  
13 use;

14 Sec. 2. (NEW) (*Effective July 1, 2012*) (a) For the purposes of this

15 section "consumer commodity" shall have the same meaning as in  
 16 section 21a-73 of the general statutes, except that consumer commodity  
 17 does not include alcoholic liquor, as defined in subdivision (3) of  
 18 section 30-1 of the general statutes, or a carbonated soft drink  
 19 container.

20 (b) Notwithstanding the provisions of section 21a-79 of the general  
 21 statutes, if a consumer commodity, including, but not limited to, fruits  
 22 or vegetables weighed at the point of sale, is offered for sale by a  
 23 retailer and its price to the consumer at the point of sale is higher than  
 24 the posted or advertised price, then one item of such consumer  
 25 commodity, up to a value of twenty dollars, shall be given to the  
 26 consumer at no cost. A conspicuous sign shall adequately disclose to  
 27 the consumer that in the event such price is higher than the posted or  
 28 advertised retail price, one item of such consumer commodity shall be  
 29 given to the customer at no cost.

30 (c) The Commissioner of Consumer Protection, after providing  
 31 notice and conducting a hearing in accordance with the provisions of  
 32 chapter 54 of the general statutes, may issue a warning citation or  
 33 impose a civil penalty of not more than one hundred dollars for the  
 34 first offense and not more than five hundred dollars for each  
 35 subsequent offense on any person, firm, partnership, association or  
 36 corporation that violates any provision of subsection (b) of this section.  
 37 Each violation with respect to all units of a particular consumer  
 38 commodity on any single day shall be deemed a single offense.

39 (d) The provisions of this section do not apply to any person, firm,  
 40 partnership, association or corporation operating in a retail sales area  
 41 of not more than ten thousand square feet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	21a-73(b)
Sec. 2	July 1, 2012	New section

**GL**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to the Department of Consumer Protection in expanding the "one free item" retail sales law to include retail foods that must be weighed at the time of purchase, as the agency currently receives and acts upon such complaints.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 71*****AN ACT EXPANDING THE "ONE FREE ITEM" RETAIL SALES LAW.*****SUMMARY:**

By law, consumers are entitled to receive an item for free if a bar code scanner charges a price that is higher than the posted price. This bill expands the "one free item" law to include retail foods that must be weighed at purchase, including fruits and vegetables.

Under the bill, if such a commodity is offered for retail sale and its price at the point of sale is higher than the posted or advertised price, the consumer receives one item of the commodity for free, up to a \$20 value. With respect to produce, it is unclear whether one free item refers to a single fruit or vegetable, or more depending on how they are sold. As under existing law, the retailer must post a conspicuous sign to inform consumers of this right.

The bill gives the consumer protection commissioner the same disciplinary powers as under the current electronic pricing law. It allows him, after providing notice and conducting a hearing, to issue violators a warning citation or impose a civil penalty of up to a \$100 for a first offense and up to a \$500 for any subsequent offense. Each violation with respect to all units of a particular commodity on any single day is deemed a single offense. But under the existing "one free item" law, violators are subject to an additional fine of up to \$200 for a first offense and up to \$1,000 for subsequent offenses.

The bill applies only to stores with a retail sales area of more than 10,000 square feet.

EFFECTIVE DATE: July 1, 2012

**COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea 17 Nay 1 (02/23/2012)