

Introduced: 2/23/72
Referred: Commerce

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 HOUSE BILL NO. 693

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to consumer information."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 45.50 is amended by adding new sections to read:

9 Sec. 45.50.600. CONSUMER INFORMATION REQUIRED. (a) A person
10 who sells, offers for sale, or exposes for sale at retail aluminum
11 foil, bread, carbonated soft drinks, cereals, cooking oils, domestic
12 animal food, facial tissues, bathroom tissues, fish, fowl, fruits,
13 grains, meats, napkins, plastic food wrapping, vegetables, waxed paper,
14 or other consumer commodity designated by the commissioner shall
15 disclose to the consumer the unit price of the consumer commodity as
16 provided in sec. 610 of this chapter.

17 (b) A person who sells, offers for sale, or exposes for sale at
18 retail a consumer commodity shall disclose to the consumer the total
19 price of the consumer commodity as provided in sec. 610 of this
20 chapter.

21 Sec. 45.50.610. MEANS OF DISCLOSURE. A person subject to the
22 requirements of sec. 600 of this chapter shall disclose the unit price
23 and total price to consumers in one or more of the following ways:

24 (1) if the consumer commodity is so located that it is not
25 conspicuously visible to the consumer, or if the consumer commodity is
26 so located that the price information if displayed in accordance with
27 sec. 600 of this chapter would not be conspicuously visible to the
28 consumer, by a sign or list bearing the price information, conspicuously
29 placed near the point of procurement;

1 (2) by attachment of a stamp, tag, or label directly ad-
2 jacent to the consumer commodity, on the shelf on which the commodity
3 is displayed, or by stamping or affixing the price information on the
4 commodity itself; or

5 (3) in accord with regulations promulgated by the commis-
6 sioner.

7 Sec. 45.50.620. ADVERTISING. No advertisement to aid, promote,
8 or assist directly or indirectly in the sale of a consumer commodity
9 subject to the provisions of sec. 600(a) of this chapter may state
10 the total price of the commodity unless it also states the unit price
11 of the commodity.

12 Sec. 45.50.630. POWERS OF THE COMMISSIONER. (a) The commis-
13 sioner shall

14 (1) designate by regulation those consumer commodities, in
15 addition to the consumer commodities specifically enumerated in sec.
16 600(a) of this chapter, as to which display of the unit price is
17 required, upon a determination that the display is in the best interest
18 of consumers;

19 (2) designate by regulation the unit of weight, measure, or
20 count in terms of which the unit price of a consumer commodity is to
21 be expressed; however, no designated unit may be such as to require
22 persons subject to the provisions of sec. 600(a) of this chapter to
23 measure a consumer commodity solely for the purpose of complying with
24 that subsection;

25 (3) designate by regulation whether the unit price of a
26 consumer commodity subject to the provisions of sec. 600(a) of this
27 chapter is to be expressed to the nearest whole cent or to an appro-
28 priate fraction of a whole cent;

29 (4) exempt by regulation classes of retail establishments

1 from any or all requirements of secs. 600 - 650 of this chapter upon
2 a determination that, because sales of consumer commodities regulated
3 by secs. 600 - 650 of this chapter are purely incidental to the busi-
4 ness of those classes of retail establishments, compliance with secs.
5 600 - 650 of this chapter is impracticable and unnecessary for adequate
6 protection of consumers;

7 (5) prescribe by regulation means for the disclosure of
8 price information upon determination that they are more effective than
9 those prescribed in sec. 610 of this chapter; and

10 (6) promulgate other regulations necessary to carry out the
11 provisions of secs. 600 - 650 of this chapter.

12 (b) Regulations provided for in this section shall be promulgated
13 in accordance with the Administrative Procedure Act (AS 44.62).

14 (c) The commissioner shall hold hearings if he has probable
15 cause to believe, or if 25 or more persons state in writing to him
16 their belief, that the actions of a person subject to the provisions
17 of secs. 600 - 650 of this chapter evidence a pattern of noncompliance
18 with those provisions. After these hearings, to which the suspected
19 violator shall be invited with written notice at least 10 days before
20 the hearing is held, the commissioner shall, upon a finding that a
21 pattern of noncompliance has been shown,

22 (1) issue a warning citation; or

23 (2) report the pattern of noncompliance to the attorney
24 general who shall institute the appropriate proceedings.

25 Sec. 45.50.640. PENALTIES. A person who violates the provisions
26 of secs. 600 - 650 of this chapter is, upon conviction, punishable by
27 a fine of not more than \$10,000.

28 Sec. 45.50.650. DEFINITIONS. In secs. 600 - 650 of this chapter

29 (1) "commissioner" means the commissioner of commerce;

1 (2) "consumer commodity" means a food, drug, device, or
2 cosmetic and other article, product, or commodity of any kind or
3 class, except for drugs sold only by prescription,

4 (A) which are customarily produced for sale to retail
5 sales agencies or instrumentalities for consumption by individuals
6 for purposes of personal care or in the performance of services
7 ordinarily rendered in or around the household, and

8 (B) which usually are consumed or expended in the
9 course of the consumption or use;

10 (3) "unit price" of a consumer commodity means the retail
11 price of a consumer commodity expressed in terms of the retail price
12 of the commodity per the unit of weight, measure, or count as the
13 commissioner designates, computed to the nearest whole cent or fraction
14 of a whole cent as the commissioner designates.
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