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BY DAVIS, KOPONEN AND
CLOCKSIN

1 IN THE HOUSE

2 HOUSE BILL NO. 315

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to price disclosure."

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

8 * Section 1. AS 45.75 is amended by adding new sections to read:

9 Sec. 45.75.213. UNIT PRICING OF CONSUMER COMMODITIES. (a) A
10 person who offers a consumer commodity for sale shall disclose to the
11 purchaser the unit price of the consumer commodity. The unit price of
12 a consumer commodity that is offered for sale in more than one size
13 shall be calculated with the same unit of measure for all sizes of-
14 fered.

15 (b) A person shall make the disclosure required by this section
16 by attaching a stamp, tag, or label on the shelf directly under the
17 display of the consumer commodity, or if the consumer commodity is
18 refrigerated, on the refrigeration unit. If the consumer commodity
19 offered for sale is not on display, the person who offers the consumer
20 commodity for sale shall post a sign containing the disclosure of the
21 unit price in a conspicuous place near the point of procurement, or
22 affix the unit price on the consumer commodity.

23 (c) This section does not apply to the following consumer com-
24 modities:

25 (1) a consumer commodity that is not offered for sale in
26 the ordinary course of the business of the seller;

27 (2) food sold for consumption on the premises;

28 (3) prepackaged food containing separate and identifiable
29 kinds of food segregated by physical division within the package;

1 (4) a food that is primarily or exclusively a gourmet or
2 specialty food, if the director determines by regulation that unit
3 pricing would be impractical for the food, and if the food is seg-
4 regated and displayed as a gourmet or specialty food;

5 (5) a consumer commodity that has a net quantity of one
6 pound, one ounce, one pint or quart, 100 count, one foot, 100 feet,
7 one square foot, one square yard or equivalent metric units estab-
8 lished by the director by regulation;

9 (6) fresh food produce;

10 (7) a consumer commodity for which the director determines
11 by regulation that unit pricing would not be meaningful.

12 (d) A person who fails to disclose the unit price of a group of
13 identical consumer commodities violates this section. A person who
14 fails to disclose the unit price of a single consumer commodity does
15 not violate this section unless the person displays the individual
16 consumer commodity by itself.

17 (e) Before taking the action provided in this chapter for a
18 violation of this section, the director shall notify the person of the
19 violation and shall give the person 30 days to correct the violation.
20 If the violation is corrected within 30 days after notification,
21 further action on the violation may not be taken.

22 (f) In this section

23 (1) "consumer commodity" means a product that is customar-
24 ily produced or distributed for sale through retail sales agencies or
25 instrumentalities for consumption by individuals, or use by indivi-
26 duals for the purposes of personal care or in the performance of
27 services ordinarily rendered in or about the household or in connec-
28 tion with personal possessions;

29 (2) "price per measure" means

1 (A) price per pound for a consumer commodity that has
2 a net quantity expressed in units of weight; the price of a
3 consumer commodity that has a net weight less than one ounce
4 shall be expressed as price per ounce;

5 (B) price per pint or quart for a consumer commodity
6 that has a net quantity stated in fluid ounces, pints, quarts or
7 gallons;

8 (C) price per 100 for a consumer commodity that has a
9 net quantity expressed by count;

10 (D) price per foot for a consumer commodity that has a
11 net quantity stated in units of length; a consumer commodity with
12 a net quantity exceeding 100 feet shall be expressed as the price
13 per 100 feet;

14 (E) price per square foot or square yard, as appropri-
15 ate for a consumer commodity that has a net quantity expressed in
16 units of area; or

17 (F) another price per measure, including metric equiv-
18 alents of the customary measures that the director permits by
19 regulation;

20 (3) "unit price" means the price per measure.

21 Sec. 45.75.217. PRICE LABELING. (a) A person who offers a
22 consumer package for sale in a store that uses an automatic checkout
23 system shall cause each consumer package offered for sale to have on
24 the outside of the package a clear declaration of the price for that
25 package.

26 (b) The provisions of this section do not apply to

27 (1) identical items within a multi-item package that is
28 properly price labeled;

29 (2) items that are under three cubic inches in size, weigh

1 less than three ounces, and are priced under \$.50;
2 (3) items sold through a vending machine;
3 (4) food sold for consumption on the premises;
4 (5) items offered for a period of four days or less on sale
5 in good faith at a price below the price the commodities are usually
6 sold for in the store, provided the sale price is clearly indicated to
7 the consumer by conspicuous sign or otherwise located at or near the
8 point of sale of the commodities;
9 (6) snack foods such as cakes, gum, candies, chips and nuts
10 offered for sale in single packages and weighing five ounces or less;
11 (7) individual packages of cigarettes or individual cigars.
12 (c) A local law, ordinance, rule, or regulation relating to
13 price labeling of a consumer package shall be consistent with the
14 provisions of this section.
15 (d) Failure to have a clear declaration of price on 12 or more
16 identical consumer packages is a violation of this section.
17 (e) Before taking action as provided in this chapter for a
18 violation of this section, the director shall notify the store of the
19 violation and shall give the store 30 days to correct the violation.
20 If the violation is corrected within 30 days after notification,
21 further action on the violation may not be taken.
22 * Sec. 2. AS 45.75.390 is amended by adding a new paragraph to read:
23 (14) "automatic checkout system" means an electronic de-
24 vice, computer or machine that determines the price of a consumer
25 package by using a product identity code.