



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

- 1 Page 9, after line 36, begin a new paragraph and insert:
- 2 **"(o) A retailer may not discriminate among consumers by**
- 3 **charging a price or granting a discount that is not available, or**
- 4 **adding a mark up that is not applicable, to all consumers at the**
- 5 **same time. Not later than the first day of each month, a retailer**
- 6 **must publish and make available to all consumers a price sheet**
- 7 **that lists all prices and discounts that are available, and all mark**
- 8 **ups that are applicable, to consumers for that month. A retailer**
- 9 **may not offer a price or discount, or apply a mark up, that is not**
- 10 **published on the monthly price sheet.**
- 11 **(p) A retailer that fails to comply with subsection (o) commits an**
- 12 **unconscionable act that is treated the same as a deceptive act under**
- 13 **this chapter and is actionable by the attorney general.**
- 14 **(q) A consumer may submit a written complaint to the division**
- 15 **alleging a violation of subsection (o) for investigation by the**
- 16 **division. The division may receive, investigate, and prosecute**
- 17 **written complaints concerning consumers and retailers subject to**
- 18 **subsection (o).**
- 19 **(r) If:**
- 20 **(1) the division brings an action to enjoin an unconscionable**
- 21 **act under subsection (o) on behalf of identified consumers;**
- 22 **and**

1 **(2) the court finds a retailer has committed an unconscionable**
2 **act under subsection (p);**
3 **the division may recover from the retailer on behalf of the state a**
4 **civil penalty equal to two (2) times the amount of the difference**
5 **between the higher price at which the beverages were sold to a**
6 **consumer and the lower price at which the beverages were sold to**
7 **another consumer. An identified consumer may receive an award**
8 **equal to two (2) times the amount of the difference between the**
9 **higher price at which the beverages were sold to the consumer and**
10 **the lower price at which the beverages were sold to another**
11 **consumer plus attorney's fees incurred in the action by the**
12 **consumer."**

13 Renumber all SECTIONS consecutively.
 (Reference is to HB 1221 as printed February 11, 2021.)

Representative Porter