

HOUSE No. 464

The Commonwealth of Massachusetts

PRESENTED BY:

Alyson M. Sullivan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act in relation to prohibiting price gouging with respect to goods, services and supplies during a declared public health emergency.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|-----------------------|------------------|
| <i>Alyson M. Sullivan</i> | <i>7th Plymouth</i> | <i>1/28/2021</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>1/28/2021</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>1/29/2021</i> |
| <i>Kathleen R. LaNatra</i> | <i>12th Plymouth</i> | <i>2/9/2021</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>2/22/2021</i> |
| <i>Steven G. Xiarhos</i> | <i>5th Barnstable</i> | <i>2/23/2021</i> |
| <i>Michael J. Soter</i> | <i>8th Worcester</i> | <i>2/23/2021</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | <i>2/24/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>2/25/2021</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> | <i>2/25/2021</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> | <i>2/26/2021</i> |
| <i>Orlando Ramos</i> | <i>9th Hampden</i> | <i>2/26/2021</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | <i>3/15/2021</i> |

HOUSE No. 464

By Ms. Sullivan of Abington, a petition (accompanied by bill, House, No. 464) of Alyson M. Sullivan and others relative to prohibiting price gouging of goods, services and supplies during a declared public health emergency. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act in relation to prohibiting price gouging with respect to goods, services and supplies during a declared public health emergency.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Price gouging; goods, services and supplies during a Public Health Emergency.

2 1. For the purposes of this section, the following terms shall have the following meaning:

3 (a) “Public Health Emergency” shall mean a period of time during which the Governor of
4 the Commonwealth of Massachusetts or the President of the United States has declared a State of
5 Emergency pursuant to their respective authorities related to the health and safety of the residents
6 of the Commonwealth of Massachusetts or some portion thereof.

7 (b) goods, services and supplies shall mean those goods, services, products, and supplies
8 used, bought or rendered primarily for the care, cure, mitigation, treatment, or prevention of
9 illness or disease, such term shall include, but not be limited to: bandages, disinfectants, gauze,
10 or dressings; hand sanitizer, antibiotic ointment, rubbing alcohol, hydrogen peroxide, saline
11 solution; medical or surgical masks; medical or surgical gloves; tissues; over-the-counter

12 medication; and any other goods or products identified in emergency regulations promulgated by
13 the commission of the department of health during a public health emergency.

14 2. No service provider, manufacturer, supplier, wholesaler, distributor or retail seller of
15 such goods, services and supplies shall sell or offer for sale any such consumer goods, services
16 or supplies for an amount which represents an unconscionably excessive price during a Public
17 Health Emergency.

18 3. (a) A price is not an “unconscionably excessive price” if it is fifteen percent or less
19 above the price charged by the seller for such goods, services or supplies immediately prior to
20 the Public Health Emergency. (b) A defendant may rebut a prima facie case based on an alleged
21 violation of this section with evidence that additional costs not within the control of the
22 defendant were imposed on the defendant for the goods, services or supplies that caused the price
23 to exceed the fifteen percent increase.

24 4. Where a violation of this section is alleged to have occurred, the Attorney General or
25 the District Attorney may apply in the name of the people of the Commonwealth of
26 Massachusetts to the Superior Court of the Commonwealth of Massachusetts within the judicial
27 district in which such violations are alleged to have occurred, on notice of five days, for an order
28 enjoining the allege unlawful acts. In any such proceeding, the court shall impose a civil penalty
29 in an amount not to exceed twenty-five thousand dollars for each violation plus forfeiture of the
30 amounts related to any transaction found to be an “unconscionably excessive price”.

31 5. This Act shall take effect immediately.