

2023 -- H 5161

=====
LC000727
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

—————
A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --
GROCERY STORES

Introduced By: Representatives Cotter, Morales, Kislak, Kazarian, Alzate, Chippendale,
Handy, Casimiro, Fenton-Fung, and Stewart

Date Introduced: January 19, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW — GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 59

4 GROCERY STORES

5 **6-59-1. Findings.**

6 The general assembly finds and declares that:

7 (1) Grocery stores provide many people with their primary place of social connection and
8 sense of community. This is particularly true for the elderly;

9 (2) The increasing use of self-service checkouts, where the customer does not interact with
10 a human, contributes to social isolation and related negative health consequences;

11 (3) Elderly customers and customers with disabilities often lack the confidence or ability
12 to use self-service checkouts;

13 (4) Self-service checkouts increase the risk for shoplifting, credit card theft and hacking of
14 customer's personal information;

15 (5) Self-service checkouts essentially turn customers into unpaid employees and allows
16 grocery retailers to decrease labor costs and actual customer service;

17 (6) Self-service checkouts contribute to retail workers feeling devalued and adds efficiency
18 pressures on workers; grocery stores allow longer lines for check-out stands staffed by a cashier to

1 encourage customers to use the self-service checkout;

2 (7) Self-service checkouts allow grocery stores to rely more heavily on part-time
3 employees, positions which do not provide retail workers with a living wage or access to benefits.

4 (8) Many retail workers, particularly those with a part-time schedule, qualify and receive
5 income-based public benefits such as food stamps (formally known as Supplemental Nutrition
6 Assistance Program benefits or "SNAP"), and subsidized healthcare;

7 (9) Because people of color are overrepresented in cashier positions, which is the lowest
8 paid position in retail businesses, the increasing use of self-service checkouts has a disproportionate
9 negative impact on people of color.

10 **6-59-2. Definitions.**

11 As used in this chapter:

12 (1) "Grocery store" means a business in the State of Rhode Island that earns the majority
13 of its gross income from the retail sale of groceries.

14 (2) "Groceries" means:

15 (i) Any raw or processed food or beverage intended for human consumption except
16 alcoholic beverages and marijuana products;

17 (ii) Prescription and over-the-counter drugs and related personal care and hygiene items,
18 when sold by a retailer that also sells food and beverages; and

19 (iii) Miscellaneous household maintenance items, such as laundry detergent and
20 dishwashing soap, when sold by a retailer that also sells food and beverages.

21 (3) "Manual checkout station" provides human assistance to shoppers, scanning, bagging
22 and accepting payment for their purchases.

23 (4) "Retail sale" means the sale of groceries to a consumer for use or consumption, and not
24 for the purpose of resale.

25 (5) "Self-service checkout" means an automated process that enable shoppers to scan, bag
26 and pay for their purchases without human assistance.

27 **6-59-3. Restriction on number of self-service checkouts in grocery stores.**

28 Grocery stores shall not have more than eight (8) self-service checkout stations operating
29 at any one time per location.

30 **6-59-4. Minimum manual checkout.**

31 Grocery stores with self-checkout stations shall have a minimum of one manual checkout
32 station per station.

33 **6-59-5. Checkouts involving ten (10) or more items.**

34 Grocery stores shall pay the consumer a ten percent (10%) discount for self-service

1 checkout where that checkout involves ten (10) or more items.

2 **6-59-6. Enforcement.**

3 (a) The consumer protection unit of the department of attorney general ("CPU") shall have
4 primary authority to enforce the restrictions of this chapter.

5 (b) The CPU shall enact rules as necessary to implement this chapter, including a penalty
6 matrix that imposes increasing fines for multiple violations made by the same grocery store at
7 different locations. The fine for the first violation shall be equal to one full-day of pay and benefits,
8 based on the highest wage for retail clerks, for each day on which there is a violation.

9 (c) Any Rhode Island resident may file a complaint with the CPU alleging a violation, free
10 from fear of retaliation.

11 (d) Any employee alleging retaliation by their employer for making a complaint alleging
12 violations of this chapter may bring a cause of action in Rhode Island superior court.

13 (e) Any Rhode Island consumer alleging a violation of this chapter may file a complaint
14 with the CPU. Retaliation against a consumer for complaining about a violation of this chapter shall
15 be an unlawful trade practice.

16 **6-59-5. Severability.**

17 If any part, section or provision of this chapter is found unconstitutional, illegal or invalid,
18 such a finding will affect only that part, section or provision of this chapter and the remaining parts,
19 sections or provisions shall remain in full force and effect.

20 SECTION 2. This act shall take effect upon passage.

=====
LC000727
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COMMERCIAL LAW--GENERAL REGULATORY PROVISIONS --
GROCERY STORES

- 1 This act would create a new chapter related to grocery stores, specifically limiting the
- 2 number of self-service checkout units.
- 3 This act would take effect upon passage.

=====
LC000727
=====