

56:8-21 to 25

56:8-21 to 25

LEGISLATIVE HISTORY CHECKLIST

NJSA 56:8-21 to 56:8-25

Laws of 1975 Chapter 242

Bill No. A813

Sponsor(s) Baer

Date Introduced Jan. 21, 1974

Committee: Assembly Commerce, Ind. & Prof.

Senate Labor, Ind. & Prof.

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly March 24, 1974

Senate Nov. 25, 1974

Date of approval Oct. 27, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings Yes No

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JUN 1977

10/4/76

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 813

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Assemblymen BAER, BURSTEIN, MARTIN, CONTILLO,
GLADSTONE, VISOTCKY, HOLLENBECK

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning the unit pricing of consumer commodities and supplementing "An act concerning consumer fraud, its prevention, and providing penalties therefor," approved June 9, 1960 (P. L. 1960, c. 39).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Unit Price
2 Disclosure Act".

1 2. As used in this act: "Consumer commodity" means any mer-
2 chandise, wares, article, product, comestible or commodity of any
3 kind or class produced, distributed or offered for retail sale for
4 consumption by individuals **other than at the retail establish-*
5 *ment**, or for use by individuals for purposes of personal care or
6 in the performance of services rendered within the household, and
6A which is consumed or expended in the course of such use.

7 "Director" means the Director of the Division of Consumer
8 Affairs in the Department of Law and Public Safety.

9 "Price per measure" means the retail price of a consumer com-
10 modity expressed per such unit of weight, standard measure or
11 standard count as the director shall designate by regulation.

12 "Person" means any natural person, partnership, corporation
13 or other organization engaged in the sale, display or offering for
14 sale of consumer commodities at retail from one or more retail
15 establishments ****whose combined total floor area exceeds 4,000*
16 *square feet or whose combined total annual gross receipts from*
17 *the sale of consumer commodities in the preceding year exceed*
18 *\$2 million***.*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. It shall be an unlawful practice for any person to expose or
 2 offer for sale at retail any consumer commodities, except as
 3 specifically exempted by the director in accordance with section 4
 4 of this act, unless said consumer commodities shall be plainly
 5 marked by a stamp, tag, label or sign at the point of display with
 6 the price per measure of such consumer commodity.

1 4. The Director of the Division of Consumer Affairs in the De-
 2 partment of Law and Public Safety may by regulation, and in each
 3 instance after public hearing, provide for the manner in which price
 4 per measure shall be calculated and displayed, establish and modify
 5 a list of commodities exempt from the provisions of this act, and
 6 define the classes of retail establishment exempted from the require-
 7 ments of this act; provided that in no case shall ***[retail entities]***
 8 **persons** with annual gross receipts from the sale of consumer
 9 commodities **in the preceding tax year** of more than
 10 ***[\$250,000.00]*** **\$2 million** *****from all retail establishments with**
 11 **a total floor area of more than 4,000 square feet each**** be exempt
 12 from the provisions of this act, and provided further that the
 13 director, in promulgating unit-pricing regulations, shall not exempt
 14 consumer commodities or retail establishments from the provisions
 15 of this act except where compliance therewith would be impractical,
 16 unreasonably burdensome or unnecessary for adequate protection
 17 of consumers. *****The Director of the Division of Consumer Af-**
 18 **fairs shall maintain at all times and make public a clearly defined**
 18A **list of specific commodities exempt from the provisions of this act**
 19 **and of all classes of retail commodities and all classes of retail**
 20 **establishments required to be in compliance with this act and any**
 21 **regulations issued hereunder.*****

1 5. The director, pursuant to the provisions of the Administrative
 2 Procedures Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall
 3 promulgate such other regulations as shall be necessary in his
 4 discretion to effectuate the purposes of this act.

1 6. This act shall take effect 6 months after its enactment *****pro-**
 2 **vided that steps necessary to prepare for its implementation, in-**
 3 **cluding the adoption of regulations may be taken in advance of its**
 4 **effective date***.**

ASSEMBLY, No. 813

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Assemblymen BAER, BURSTEIN, MARTIN, CONTILLO,
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2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Unit Price
2 Disclosure Act" as used in this act:

1 2. "Consumer commodity" means any merchandise, wares,
2 article, product, comestible or commodity of any kind or class
3 produced, distributed or offered for retail sale for consumption by
4 individuals, or for use by individuals for purposes of personal care
5 or in the performance of services rendered within the household,
6 and which is consumed or expended in the course of such use.

7 "Director" means the Director of the Division of Consumer
8 Affairs in the Department of Law and Public Safety.

9 "Price per measure" means the retail price of a consumer com-
10 modity expressed per such unit of weight, standard measure or
11 standard count as the director shall designate by regulation.

12 "Person" means any natural person, partnership, corporation
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14 sale of consumer commodities at retail from one or more retail
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1 3. It shall be an unlawful practice for any person to expose or
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3 specifically exempted by the director in accordance with section 4
4 of this act, unless said consumer commodities shall be plainly
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1 4. The Director of the Division of Consumer Affairs in the De-
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3 instance after public hearing, provide for the manner in which price
4 per measure shall be calculated and displayed, establish and modify
5 a list of commodities exempt from the provisions of this act, and
6 define the classes of retail establishment exempted from the require-
7 ments of this act; provided that in no case shall retail entities with
8 annual gross receipts from the sale of consumer commodities of
9 more than \$250,000.00 be exempt from the provisions of this act,
10 and provided further that the director, in promulgating unit-pricing
11 regulations, shall not exempt consumer commodities or retail
12 establishments from the provisions of this act except where com-
13 pliance therewith would be impractical, unreasonably burdensome
14 or unnecessary for adequate protection of consumers.

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2 Procedures Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall
3 promulgate such other regulations as shall be necessary in his
4 discretion to effectuate the purposes of this act.

1 6. This act shall take effect six months after its enactment.

STATEMENT

This "Unit Price Disclosure Act" requires displaying the price per unit of standard measure on certain products. Displaying this information facilitates consumers' comparison-shopping between comparable products of differing brands or sizes, thus assisting consumers in more economical purchasing.

CORRECTED COPY
ASSEMBLY, No. 813

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

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2

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ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 813

[CORRECTED COPY]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 15, 1974

Amend page 1, section 2, line 4, after "consumption by individuals", insert "other than at the retail establishment".

Amend page 2, section 4, line 7, after "shall", omit "retail entities" and insert "persons".

Amend page 2, section 4, line 8, after "consumer commodities", insert "in the preceding tax year".

Amend page 2, section 4, line 9, omit "\$250,000.00", insert "\$2 million".

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 813

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Assemblymen BAER, BURSTEIN, MARTIN, CONTILLO,
GLADSTONE, VISOTCKY, HOLLENBECK

Referred to Committee on Commerce, Industry and Professions

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2 chandise, wares, article, product, comestible or commodity of any
3 kind or class produced, distributed or offered for retail sale for
4 consumption by individuals **other than at the retail establish-*
5 *ment**, or for use by individuals for purposes of personal care or
6 in the performance of services rendered within the household, and
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8 Affairs in the Department of Law and Public Safety.

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11 standard count as the director shall designate by regulation.

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14 sale of consumer commodities at retail from one or more retail
15 establishments.

1 3. It shall be an unlawful practice for any person to expose or
2 offer for sale at retail any consumer commodities, except as
3 specifically exempted by the director in accordance with section 4
4 of this act, unless said consumer commodities shall be plainly

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5 marked by a stamp, tag, label or sign at the point of display with
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2 partment of Law and Public Safety may by regulation, and in each
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5 a list of commodities exempt from the provisions of this act, and
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7 ments of this act; provided that in no case shall ~~*[retail entities]*~~
8 **persons** with annual gross receipts from the sale of consumer
9 commodities **in the preceding tax year** of more than
10 ~~*[\$250,000.00]*~~ **\$2 million** be exempt from the provisions of this
11 act, and provided further that the director, in promulgating unit-
12 pricing regulations, shall not exempt consumer commodities or
13 retail establishments from the provisions of this act except where
14 compliance therewith would be impractical, unreasonably burden-
15 some or unnecessary for adequate protection of consumers.

1 5. The director, pursuant to the provisions of the Administrative
2 Procedures Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall
3 promulgate such other regulations as shall be necessary in his
4 discretion to effectuate the purposes of this act.

1 6. This act shall take effect six months after its enactment.

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 813
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MARCH 18, 1974

Amend page 2, section 4, line 10, after "\$2 million", insert "from all retail establishments with a total floor area of more than 4,000 square feet each".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 813

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Assemblymen BAER, BURSTEIN, MARTIN, CONTILLO,
GLADSTONE, VISOTCKY, HOLLENBECK

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7 ments of this act; provided that in no case shall ***[retail entities]***
8 *persons* with annual gross receipts from the sale of consumer
9 commodities **in the preceding tax year** of more than
10 ***[\$250,000.00]*** *\$2 million* ***from all retail establishments with*
11 *a total floor area of more than 4,000 square feet each*** be exempt
12 from the provisions of this act, and provided further that the
13 director, in promulgating unit-pricing regulations, shall not exempt
14 consumer commodities or retail establishments from the provisions
15 of this act except where compliance therewith would be impractical,
16 unreasonably burdensome or unnecessary for adequate protection
17 of consumers.

1 5. The director, pursuant to the provisions of the Administrative
2 Procedures Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall
3 promulgate such other regulations as shall be necessary in his
4 discretion to effectuate the purposes of this act.

1 6. This act shall take effect six months after its enactment.

FISCAL NOTE TO
ASSEMBLY, No. 813
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MAY 15, 1974

The Second Official Copy Reprint of Assembly Bill No. 813 is designated the "Unit Price Disclosure Act" and it requires unit price information to be posted on all consumer commodities in certain retail establishments.

As the bill would not go into effect until six months after enactment, the Division of Budget and Accounting estimates that enactment would require a State expenditure of \$3,776.00 for the remaining portion of fiscal 1974-75, \$6,535.00 in fiscal 1975-76 and \$6,883.00 in fiscal 1976-77.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 813

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 21, 1974

This bill, designated the "Unit Price Disclosure Act," provides that consumer commodities offered per sale shall be plainly marked with the price per measure. Its purpose is to aid the consumer in determining the real cost of products being purchased. In order to avoid hardship, retail establishments whose total floor area is less than 4,000 square feet or whose combined total annual gross receipts is less than \$2 million are exempt from the provisions of this act. The Director of the Division of Consumer Affairs shall maintain and make public a list of specific commodities exempt from the provisions of this act and a list of retail commodities and establishments required to be in compliance with this act.

CORRECTED COPY
SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 813
[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: OCTOBER 21, 1974

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SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 813

—•—
STATE OF NEW JERSEY
—•—

ADOPTED OCTOBER 21, 1974

Amend page 1, section 2, line 15, after "establishments", insert "whose combined total floor area exceeds 4,000 square feet or whose combined total annual gross receipts from the sale of consumer commodities in the preceding year exceed \$2 million".

Amend page 2, section 4, line 17, after "consumers.", insert "The Director of the Division of Consumer Affairs shall maintain at all times and make public a clearly defined list of specific commodities exempt from the provisions of this act and of all classes of retail commodities and all classes of retail establishments required to be in compliance with this act and any regulations issued hereunder.".

Amend page 2, section 6, line 1, after "enactment", insert "provided that steps necessary to prepare for its implementation, including the adoption of regulations may be taken in advance of its effective date".

[SENATE REPRINT]

ASSEMBLY, No. 813

[SECOND OFFICIAL COPY REPRINT]

With Senate committee amendments adopted October 21, 1974

STATE OF NEW JERSEY

INTRODUCED JANUARY 21, 1974

By Assemblymen BAER, BURSTEIN, MARTIN, CONTILLO,
GLADSTONE, VISOTCKY, HOLLENBECK

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10 ***[\$250,000.00]*** **\$2 million** ****from all retail establishments with*
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13 director, in promulgating unit-pricing regulations, shall not exempt
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4 *effective date***.*

FROM THE OFFICE OF THE GOVERNOR

SEP 27, 1975

FOR FURTHER INFORMATION

IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law today a bill designed to make it easier for consumers to shop for better prices of food and household goods.

The measure, A-813, sponsored by Assemblyman Byron M. Baer, D-Bergen, provides for unit pricing of consumer commodities.

"This bill will be extremely beneficial to consumers in this time of rampant inflation," said Byrne at a public ceremony in his outer office.

"It will help shoppers know where to look for bargains by comparing one unit price with another."

The Governor pointed out that some supermarket chains in New Jersey already have instituted unit pricing voluntarily.

Baer said that in stores already using unit pricing, the value of the concept has been proven.

"At first, I considered the bill mostly as a convenience to shoppers -- a protection against deceptive advertising and pricing," he said. "But with today's inflation, unit pricing is almost a necessity because of the economic squeeze on consumers."

The Assemblyman said the bill will not only enable consumers to compare prices between competing brands, but also will eliminate practices such as the advertising of a "large economy size" product that actually is more expensive than a smaller size.

The new law will be administered by the Director of the State Division of Consumer Affairs, who would have the power to

The measure provides for the Director to issue regulations to implement the unit pricing program.

The Director would be empowered to exempt smaller stores which have either gross receipts of less than \$2 million a year or less than 4,000 square feet of floor space. Stores which have both less than \$2 million in gross income a year and less than 4,000 square feet are automatically exempt.

(cont'd)

The Director also is empowered to exempt specific commodities, and is required to maintain and make public a list of such exemptions.

The Governor also signed into law A-1358, sponsored by Assemblyman William E. Flynn, D-Middlesex, which permits any municipality to render specific municipal services on streets not yet dedicated to the municipality.

###