



General Assembly

Substitute Bill No. 5307

January Session, 2021



AN ACT CONCERNING PRICE GOUGING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-230 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) As used in this section:

4 (1) "Seller" means a person, firm or corporation, including, but not
5 limited to, a manufacturer, supplier, wholesaler, distributor or retailer;

6 (2) "Precipitating event" means a disaster emergency declaration
7 issued by the Governor pursuant to chapter 517, a transportation
8 emergency declaration issued by the Governor pursuant to section 3-6b
9 or any major disaster or emergency declaration issued by the President
10 of the United States; and

11 (3) "Unconscionably excessive price" means (A) the amount charged
12 by the seller represents a gross disparity between (i) the price for which
13 an item was sold, rented or leased immediately prior to the precipitating
14 event and when the precipitating event was reasonably anticipated, and
15 (ii) the price for which such item is being sold, rented or leased during
16 the period in which such precipitating event is in effect, and (B) the
17 amount charged by the seller is not attributable to additional costs

18 incurred by the seller in connection with the sale, rental or lease of an
19 item.

20 (b) No [person, firm or corporation] seller shall [increase the price of]
21 sell, rent or lease, or offer to sell, rent or lease any item [which such
22 person, firm or corporation sells or offers for sale at retail] within the
23 chain of distribution for an amount that represents an unconscionably
24 excessive price at any location in an area which is the subject of any
25 [disaster emergency declaration issued by the Governor pursuant to
26 chapter 517, any transportation emergency declaration issued by the
27 Governor pursuant to section 3-6b or any major disaster or emergency
28 declaration issued by the President of the United States, until the period
29 of emergency or disaster] precipitating event until the precipitating
30 event is declared by the Governor or the President to be at an end.
31 [Nothing in this section shall prohibit the fluctuation in the price of
32 items sold at retail which occurs during the normal course of business.]
33 Any person, firm or corporation which violates any provision of this
34 section shall be fined not more than ninety-nine dollars. Any violation
35 of the provisions of this section shall be deemed an unfair or deceptive
36 trade practice under subsection (a) of section 42-110b and if an
37 enforcement action is brought on behalf of the state, such action shall be
38 brought in the judicial district of Hartford.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	42-230

Statement of Legislative Commissioners:
Subdivision (3) of subsection (a) was changed for clarity.

GL *Joint Favorable Subst.*