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**INTRODUCED BY SENIOR ASSEMBLY MEMBER CAVE**

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Legislative Counsel’s Digest

AP 14: UNIT PRICING.

UNDER EXISTING LAW, THE FAIR PACKAGING AND LABELING ACT IS INTENDED, AMONG OTHER THINGS, TO ENABLE CONSUMERS TO OBTAIN ACCURATE INFORMATION AS TO THE QUANTITY OF THE CONTENTS OF PRODUCTS AND TO FACILITATE VALUE COMPARISONS BETWEEN PRODUCTS.

EXISTING LAW STATES LEGISLATIVE FINDINGS THAT SPECIFIC TYPES OF PRICING, INCLUDING UNIT PRICING, EFFECTIVELY INFORM THE CONSUMER OF THE COMPARATIVE PRICES AND VALUES OF COMMODITIES. EXISTING LAW REQUIRES THE DEPARTMENT OF FOOD AND AGRICULTURE TO ADOPT A STANDARDIZED FORMAT FOR UNIT PRICING AVAILABLE TO A RETAILER UPON REQUEST. THIS FORMAT IS REQUIRED TO INCLUDE, AMONG OTHER THINGS, THE VOLUME, WEIGHT, OR NUMBER OF UNITS, AND THE PRICE PER UNIT.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD REQUIRE THE DEPARTMENT OF FOOD AND AGRICULTURE TO CREATE STANDARDIZED FORMATS FOR PRODUCT UNIT PRICING AVAILABLE TO THE CONSUMER.

VOTE MAJORITY.

AP 14: RELATING TO UNIT PRICING

WHEREAS, UNIT PRICING IS THE IDENTIFICATION AND LABELING OF ITEMS FOR SALE WITH STANDARDIZATION IN THE RETAIL PRICE PER UNIT AND SIZE OF THE FONT DISPLAYING THAT PRICE; AND

WHEREAS, NINE STATES—CONNECTICUT, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, OREGON, RHODE ISLAND, AND VERMONT— AND THE DISTRICT OF COLUMBIA HAVE STATE LAWS OR REGULATIONS MANDATING STANDARDIZED FORMATS FOR UNIT PRICING DISPLAYED TO THE CONSUMER; AND

WHEREAS, CALIFORNIA DOES NOT REQUIRE STANDARDIZED FORMATS FOR UNIT PRICING DISPLAYED TO THE CONSUMER; AND

WHEREAS, THE CALIFORNIA LEGISLATURE DECLARED IN SECTION 12655 OF THE BUSINESS AND PROFESSIONS CODE THAT UNIT PRICING “EFFECTIVELY INFORMS THE CONSUMER OF THE COMPARATIVE PRICES AND VALUES OF COMMODITIES, AND IS THUS USEFUL FOR THE FORMULATION OF INTELLIGENT CONSUMER CHOICES”; AND

WHEREAS, THE LEGISLATURE REQUIRED THE DEPARTMENT OF FOOD AND AGRICULTURE TO ADOPT A STANDARDIZED FORMAT FOR UNIT PRICING THAT SHALL BE AVAILABLE TO A RETAILER UPON REQUEST; AND

WHEREAS, THE LEGISLATURE HAS NOT REQUIRED THE DEPARTMENT OF FOOD AND AGRICULTURE TO ADOPT STANDARDIZED UNIT PRICING FORMATS FOR ALL PRODUCTS NOR REQUIRED RETAILERS TO DISPLAY CONSISTENT STANDARDIZED UNIT PRICING TO THE CONSUMER; AND

WHEREAS, STANDARDIZED PRODUCT UNIT PRICING ALLOWS CONSUMERS TO COMPARE PRICES WHEN PURCHASING PRODUCTS AND IS CONSIDERED ONE OF THE BEST TOOLS A CONSUMER CAN HAVE DURING THEIR SHOPPING EXPERIENCE BY THE FEDERAL DEPARTMENT OF COMMERCE’S NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST); AND

WHEREAS, NIST PUBLISHED A REPORT, “A BEST PRACTICE APPROACH TO UNIT PRICING,” RECOMMENDING A UNIFORM LAYOUT, DESIGN, AND PRESENTATION FOR UNIT PRICING AND ENCOURAGES STATES TO ADOPT LAWS AND REGULATIONS CREATING STANDARDIZED FORMATS FOR PRODUCT UNIT PRICING; AND

WHEREAS, DAVID SEFCIK, AUTHOR OF THAT REPORT, BELIEVES THAT “CALIFORNIA WOULD SET THE STANDARD FOR THE NATION BY ADOPTING THE UNIT PRICING REQUIREMENTS AND BEST PRACTICE PRINCIPLES AS OUTLINED” BY NIST; AND

WHEREAS, THE LACK OF STANDARDIZATION IN PRODUCT UNIT PRICING ESPECIALLY AFFECTS SENIORS AND SHOPPERS WITH VISION DEFICITS WHO CANNOT COMPARE THE INCONSISTENT FONTS AND SIZES OF DISPLAYED UNIT PRICES; AND

WHEREAS, SURVEYS HAVE SHOWN THAT OVER 78 PERCENT OF CONSUMERS USE UNIT PRICING WHEN IT IS AVAILABLE; AND

WHEREAS, UNIT PRICING IS ONE OF THE BEST TOOLS AVAILABLE TO CONSUMERS TO FACILITATE VALUE AND PRICE COMPARISON. THIS IS ESPECIALLY IMPORTANT AND HELPFUL IN TODAY’S ECONOMY AND IN AN ENVIRONMENT WHERE “DOWNSIZING” OF PACKAGES IS PREVALENT. PACKAGE DOWNSIZING IS A PRACTICE WHERE THE PACKAGE CONTENT IS REDUCED WITHOUT CHANGING THE PACKAGE OR THE PRICE OF THE PRODUCT. THIS METHOD IS VERY DECEIVING TO THE SENIOR WHO IS ACCUSTOMED TO HAVING EVERYTHING BE CLEAR AND IN THE OPEN WHEN A PRICE IS DETERMINED; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2017 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE LEGISLATURE DIRECT THE DEPARTMENT OF FOOD AND AGRICULTURE TO ADOPT REGULATIONS CREATING A STANDARDIZED FORMAT FOR UNIT PRICING AS DISPLAYED TO THE CONSUMER FOR ALL RETAIL PRODUCTS; AND BE IT FURTHER

RESOLVED, THAT THE SECRETARY OF FOOD AND AGRICULTURE BE REQUIRED TO ADOPT THE UNIT PRICING RECOMMENDATIONS BY NIST IN “A BEST PRACTICE APPROACH TO UNIT PRICING,” EXCEPT INSOFAR AS THOSE RECOMMENDATIONS ARE SPECIFICALLY MODIFIED, AMENDED, OR REJECTED BY REGULATION BY THE SECRETARY; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.