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NOTICE OF PUBLIC HEARING

Pursuant to the authority granted by M.G.L. c. 6, Section 115A, the Division of Standards (the Division) will hold a public hearing on Wednesday, July 23, 2025, at 11:00 A.M. at the Division of Standards, One Federal Street, 6th Floor, Gold Hearing Room, Boston, MA 02110 on the adoption of amendments to the following regulation.

202 CMR 5.00: UNIT PRICING AND AUTOMATED RETAIL CHECKOUT SYSTEMS

The proposed regulation makes changes to the unit pricing requirements for the sale at retail of packaged commodities necessary for personal, family, or household use. There is no fiscal impact on cities and towns. There is no estimated aggregate annual fiscal impact of the proposed amendments. The proposed amendments are not anticipated to impose new costs on small businesses, and any impact on small businesses will vary based on the volume of the covered products they sell at retail.

Any person wishing to submit verbal comments during the public hearing is asked to submit such request prior to the hearing to Andrea Nixon at Andrea.E.Nixon@mass.gov or (617) 727-3480. To join the hearing remotely, please use the following link:

<https://zoom.us/j/99663160534?pwd=GBwAXurleNYcfwSar3z2tqphan9Kt0.1>

Meeting ID: 996 6316 0534

Passcode: 066472

The Division will also accept written public comments until July 30, 2025 by 5:00 P.M. Written comments should be directed to Andrea Nixon at the above email address. Special accommodation requests may be directed to Andrea Nixon at the above email address or phone number. Please allow two weeks to schedule sign language interpreters.

To review the current draft of the regulation, go to www.mass.gov/orgs/division-of-standards or request a copy in writing from the Division. The Division may adopt a revised version of the proposed regulation taking into account relevant comments and any other practical alternatives that come to its attention.

In case of inclement weather or other emergency, hearing cancellation announcements will be posted on the Division's website at www.mass.gov/orgs/division-of-standards.

June 11, 2025

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 202 CMR 5.00

Estimate of the Number of Small Businesses Impacted by the Regulation: Approximately 1,000

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? This regulation does not create a reporting requirement.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? This regulation does not mandate recordkeeping.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? This regulation is not being amended to create additional administrative oversight.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? This regulatory amendment does not necessitate hiring additional employees.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? This regulation does not mandate any hiring.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? This regulation section does not mandate purchasing a product or making other investments.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) The Division believes that unit pricing signage is the best way to provide consumers with the information they can use to compare the price of comparable products offered in different packaging.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No other regulations are known to duplicate/conflict with this regulation.

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>This regulation requires those small businesses that wish to be exempt from the regulations based on annual gross sales, as detailed in Ch. 6, Section 115A, to submit proof of sales to the Division. This requirement will not change from what the Division currently requires, however.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>This regulation does not mandate continuing education or training.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>This regulation amends existing regulations to provide more flexibility to retailers.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>This regulation implements more flexible requirements governing unit pricing for grocery related products. This greater flexibility may encourage the creation of new retail locations selling these products.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>This regulation implements more flexible compliance requirements for unit pricing for grocery related products.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>This regulation does not contain schedules or deadlines for compliance.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>This regulation implements more flexible requirements governing unit pricing for grocery related products.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>The Division believes that unit pricing signage is the best way to provide consumers with the information they can use to compare the price of comparable products offered in different packaging.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p>The Division believes that unit pricing signage is the best way to provide consumers with the information they can use to compare the price of comparable products offered in different packaging.</p>