

By: Senator(s) Norwood, Brumfield, Butler

To: Judiciary, Division B

SENATE BILL NO. 2362

1 AN ACT TO PROHIBIT RETAIL FOOD ESTABLISHMENTS FROM IMPOSING
2 COST-PLUS PRICING FORMULAS WITHOUT PUBLICLY POSTING NOTICE OF THE
3 COST-PLUS PRICING FORMULA; TO PROVIDE A PENALTY FOR THE CRIME; TO
4 PROVIDE THAT A VIOLATION OF THE SECTION SHALL CONSTITUTE AN
5 UNLAWFUL TRADE PRACTICE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) A retail food establishment may not impose a
8 cost-plus pricing formula on grocery items without publicly
9 posting notice of the cost-plus pricing formula. Notice shall be
10 sufficient under this subsection if the amount of surcharge to be
11 added to grocery items is conspicuously displayed at the retail
12 food establishment:

13 (a) A sign on the front sidewalk within fifteen (15)
14 feet of each entrance; and

15 (b) On a sign inside each entrance.

16 (2) As used in this section:

17 (a) "Retail food establishment" means any establishment
18 as defined by Section 69-1-18(1) (b) .



19 (b) "Cost-plus pricing formula" means a formula in
20 which the seller marks items at the item cost and imposes a
21 surcharge in addition to the cost of the item.

22 **SECTION 2.** (1) Any person who violates this act shall be
23 guilty of a misdemeanor and, upon conviction thereof, shall be
24 subject to a fine of not more than One Thousand Dollars
25 (\$1,000.00) or shall be imprisoned in the county jail not
26 exceeding one (1) year, or both.

27 (2) Any violation of this act constitutes an unlawful trade
28 practice under Section 75-24-5 and, in addition to any remedies or
29 penalties set forth in this act, shall be subject to any remedies
30 or penalties available for a violation of that statute.

31 **SECTION 3.** This act shall take effect and be in force from
32 and after July 1, 2024.

