

Senate Bill 237

By: Senators Mullis of the 53rd, Cowser of the 46th, Hamrick of the 30th, Murphy of the 27th, Hooks of the 14th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 10-1-393.4 of the Official Code of Georgia Annotated, relating to  
2 prohibited pricing practices during a state of emergency, so as to provide that the Governor  
3 shall identify what goods and services may not be sold at higher prices during a state of  
4 emergency; to provide for related matters; to provide an effective date; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Code Section 10-1-393.4 of the Official Code of Georgia Annotated, relating to prohibited  
9 pricing practices during a state of emergency, is amended to read as follows:

10 "10-1-393.4.

11 (a) It shall be an unlawful, unfair, and deceptive trade practice for any person, firm, or  
12 corporation doing business in any area in which a state of emergency, as such term is  
13 defined in Code Section 38-3-3, has been declared, for ~~as~~ so long as such state of  
14 emergency exists, to sell or offer for sale at retail any goods or services identified by the  
15 Governor in the declaration of the state of emergency necessary to preserve, protect, or  
16 sustain the life, health, or safety of persons or their property at a price higher than the price  
17 at which such goods were sold or offered for sale immediately prior to the declaration of  
18 a state of emergency; provided, however, that such price may be increased only in an  
19 amount which accurately reflects an increase in cost of the goods or services to the person  
20 selling the goods or services or an increase in the cost of transporting the goods or services  
21 into the area.

22 (b) Notwithstanding the provisions of subsection (a) of this Code section, a retailer ~~or~~  
23 ~~installer of lumber, plywood, and other lumber products may increase the price of such~~  
24 ~~products as may be necessary to replenish his or her existing daily stock at current market~~  
25 ~~rates, maintaining the same markup percentage he or she applied prior to the state of~~  
26 emergency may increase the price of goods or services during a state of emergency if the

27 price charged for those goods or services is no greater than the cost to the retailer of those  
28 goods or services, plus the retailer's average markup percentage applied during the ten days  
29 immediately prior to the declaration of a state of emergency."

30

**SECTION 2.**

31 This Act shall become effective upon its approval by the Governor or upon its becoming law  
32 without such approval.

33

**SECTION 3.**

34 All laws and parts of laws in conflict with this Act are repealed.