

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 650

SENATORS TARR AND MARONEY, *original sponsors*

[Originating in the Committee on the Judiciary;

Reported on February 23, 2019]

1 A BILL to amend and reenact §46A-6J-2 of the Code of West Virginia, 1931, as amended, relating
2 to the protection of consumers from price gouging and unfair pricing practices during and
3 shortly after a state of emergency; and amending definition of “state of emergency”.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 6J. PROTECTION OF CONSUMERS FROM PRICE GOUGING AND UNFAIR
PRICING PRACTICES DURING AND SHORTLY AFTER A STATE OF
EMERGENCY.**

§46A-6J-2. Definitions.

1 (a) “Building materials” means lumber, construction tools, windows, and any other item
2 used in the building or rebuilding of property.

3 (b) “Consumer food item” means any article that is used or intended for use for food or
4 drink by a person or animal.

5 (c) “Disaster” means the occurrence or imminent threat of widespread or severe damage,
6 injury, loss of life, or property resulting from any natural or man-made cause, including fire, flood,
7 earthquake, wind, snow, storm, chemical or oil spill, or other water or soil contamination,
8 epidemic, air contamination, blight, drought, infestation, or other public calamity requiring
9 emergency action.

10 (d) “Emergency supplies” includes, but is not limited to, water, flashlights, radios, batteries,
11 candles, blankets, generators, heaters, and temporary shelters.

12 (e) “Essential consumer item” means any article that is necessary to the health, safety,
13 and welfare of consumers, including, but not limited to, clothing, diapers, soap, cleaning supplies,
14 and toiletries.

15 (f) “Gasoline” means any fuel used to power any motor vehicle or power tool.

16 (g) “Housing” means any rental housing leased on a month-to-month term or the sale of
17 manufactured homes, as that term is defined in §21-9-2 of this code.

18 (h) "Large-scale threat" means circumstances which present a reasonable probability that
19 necessary services or public order would be disrupted, and ~~effect~~ affect a significant number of
20 people from either natural or man-made causes.

21 (i) "Medical supplies" includes, but is not limited to, prescription and nonprescription
22 medications, bandages, gauze, isopropyl alcohol, and antibacterial products.

23 (j) "Repair or reconstruction services" means any services performed by any person for
24 repairs to residential, commercial, or public property of any type that is damaged as a result of a
25 disaster.

26 (k) "State of emergency" means the situation existing during or after the occurrence of a
27 disaster or large-scale threat in which a state of emergency has been declared by the Governor
28 or by the Legislature pursuant to the provisions of §15-5-6 of this code, or in which a major disaster
29 declaration or emergency declaration, directly affecting circumstances existing in this state, has
30 been issued by the President of the United States pursuant to the provisions of 42 U. S. C.
31 §5122.

32 (l) "State of preparedness" means the situation existing before a disaster or large-scale
33 threat in which a state of preparedness has been declared by the Governor or by the Legislature
34 pursuant to the provisions of §15-5-6 of this code.

35 (m) "Transportation, freight, and storage services" means any service that is performed by
36 any company that contracts to move, store, or transport personal or business property, or rents
37 equipment or storage space for those purposes.