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> 940 CMR - OFFICE OF THE ATTORNEY GENERAL
> 940 CMR, 940 CMR 3.00 - General Regulations
> **940 CMR, § 3.18 - Price Gouging**

940 CMR, § 3.18 - Price Gouging

State Regulations Compare

(1) It shall be an unfair or deceptive act or practice, during any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price.

(2) A price is unconscionably high if:

(a) the amount charged represents a gross disparity between the price of the petroleum product and

1. the price at which the same product was sold or offered for sale by the petroleum-related business in the usual course of business immediately prior to the onset of the market emergency, or

2. the price at which the same or similar petroleum product is readily obtainable by other buyers in the trade area; and

(b) the disparity is not substantially attributable to increased prices charged by the petroleum-related business suppliers or increased costs due to an abnormal market disruption.

(3) It shall be an unfair or deceptive act or practice, during any declared statewide or national emergency, for any business at any point in the chain of distribution or

manufacture to sell or offer to sell to any consumer or to any other business any goods or services necessary for the health, safety or welfare of the public for an amount that represents an unconscionably high price.

(4) A price is unconscionably high for the purposes of 940 CMR [3.18\(3\)](#) if:

(a) there is gross disparity between the price charged or offered; and

1. the price at which the same good or service was sold or offered for sale by the business in the usual course of business immediately prior to the onset of the declared statewide or national emergency; or

2. the price at which the same or similar product is readily obtainable from other businesses; and

(b) the disparity is not substantially attributable to increased prices charged by the business's suppliers or increased costs due to an abnormal market disruption.

Notes

940 CMR, § 3.18

Amended by Mass Register Issue 1420, eff. 3/20/2020.

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