

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, Chapter 39 of Title 28 of the District of Columbia Official Code to prohibit price gouging in the infant formula market.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Infant Formula Consumer Protection Emergency Amendment Act of 2022”.

Sec. 2. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3901(a) is amended by adding a new paragraph (16) to read as follows:
“(16) “Infant formula product” means a food which purports to be, or is represented for special dietary use solely as, a food for infants by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk.”.

(b) Section 28-3904 is amended by adding a new subsection (ll) to read as follows:
“(ll) sell or offer for sale any infant formula product at a price greater than 20% above the average price at which that person sold or offered for sale a substantially similar infant formula product in the District during the 90-day period preceding February 17, 2022, or, if the person did not sell or offer for sale infant formula during the 90-day period preceding February 17, 2022, to sell or offer for sale any infant formula product at a price greater than 20% above the average price at which substantially similar retailers sold or offered for sale substantially similar infant formula products in the District during the 90-day period preceding February 17, 2022;”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; 98 D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia