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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 135 Session of  
2023

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INTRODUCED BY BIZZARRO, McCLINTON, MADDEN, PROBST, PISCIOTTANO,  
KENYATTA, STURLA, SCHLOSSBERG, SANCHEZ, PIELLI, HADDOCK,  
McNEILL, DELLOSO, CIRESI, HILL-EVANS, HOHENSTEIN, MARKOSEK,  
PARKER, D. WILLIAMS, DEASY, PASHINSKI, N. NELSON, NEILSON AND  
O'MARA, MARCH 7, 2023

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REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND  
UTILITIES, MARCH 7, 2023

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AN ACT

1 Amending the act of October 31, 2006 (P.L.1210, No.133),  
2 entitled "An act prohibiting price gouging; and imposing  
3 penalties," further providing for definitions and prohibiting  
4 petroleum product price gouging.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 3 of the act of October 31, 2006  
8 (P.L.1210, No.133), known as the Price Gouging Act, is amended  
9 by adding definitions to read:

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Market emergency." An abnormal disruption of a market for  
16 petroleum products, including an actual or threatened shortage  
17 in the supply of petroleum products or an actual or threatened

1 increase in the price of petroleum products resulting from  
2 severe weather, convulsion of nature, supply manipulation,  
3 failure or shortage of electric power or other source of energy,  
4 strike, civil disorder, act of war, terrorist attack, national  
5 or local emergency or other extraordinary adverse circumstances.

6 "Petroleum product." A motor fuel, liquefied petroleum gas  
7 or fuel oil.

8 "Petroleum-related business." A producer, supplier,  
9 wholesaler, distributor or retail seller of a petroleum product.

10 \* \* \*

11 Section 2. The act is amended by adding a section to read:

12 Section 4.1. Petroleum product price gouging.

13 (a) Prohibition.--It shall be a violation of this act for a  
14 petroleum-related business to alter the price of a petroleum  
15 product or derivatives of a petroleum product more than once  
16 within a 24-hour period.

17 (b) Market emergency.--A market emergency may be declared by  
18 the Governor and shall continue for 30 days or until terminated  
19 by the Governor. The Governor may extend the market emergency  
20 for additional 30-day periods.

21 (c) Violation of market emergency.--It shall be an unfair  
22 and deceptive act and practice in commerce and a violation of  
23 this act for a petroleum-related business, during a market  
24 emergency or seven days prior to a market emergency, to sell or  
25 offer to sell a petroleum product or heating fuel product for an  
26 amount that represents an unconscionably excessive price. For  
27 the purposes of this subsection, an unconscionably excessive  
28 price includes the price at which the same or similar petroleum  
29 product is readily obtainable by the buyer and other buyers in  
30 the trade area in which the petroleum-related business markets

1 the product and the disparity is not substantially attributable  
2 to increased prices charged by the petroleum product suppliers  
3 or increased costs due to a market emergency.

4 Section 3. This act shall take effect in 60 days.