

AN ACT

To prohibit the commingling of expired merchandise with fresh merchandise; to require displaying of notice that the merchandise has expired; to prohibit the sale of expired merchandise at more than half of its original retail price; and for other purposes.

**BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

Section 1. Title. This Act may be cited as the “Stale Products Act of 1996.”

Section 2. Findings and Purpose. The Legislature finds that many retail establishments are not removing expired products from the shelves and are selling the expired products at the same price as products which have not yet reached their expiration date. The commingling of fresh products and expired products is a trap for the unwary shopper and deprives them of the full value and benefit of their purchases. The purpose of this Act is to prohibit the commingling of fresh and expired products and to prohibit the sale of expired products for more than half of the original retail price.

Section 3. Definitions. 4 CMC § 5104 is hereby amended by redesignating subsections (d) through (f) as subsections (f) through (h) and all succeeding subsections accordingly, and adding new subsections (d) and (e) to read:

“(d) ‘Expiration Date’ means that date indicated on a product as a ‘use before’, ‘best before’, or ‘sell before’ date or otherwise indicated on the product, its packaging, case, or lot by date or code designed to convey expiration or deterioration information.

(e) ‘Expired Merchandise’ means any merchandise for which the expiration date has passed.”

Section 4. Amendment. 4 CMC § 5105 (f) is amended to read:

“(f) Representing that goods are original or new if they are beyond their expiration date, deteriorated, altered, reconditioned, reclaimed, used or secondhand;”

Section 5. Notice and Reduction in Price. 4 CMC § 5105 is amended by adding new subsections (v) and (w), redesignating existing subsections (v) and (w) and all succeeding subsections accordingly, the new subsections (v) and (w) to read:

“(v) Stocking expired merchandise on shelves or on display with merchandise that has not yet reached its expiration date in manner which does not clearly segregate the expired merchandise from other merchandise;”

“(w) Selling expired merchandise without displaying a notice that the merchandise has expired or selling expired merchandise at more than half of the original retail price;”

Section 6. Severability. If any provisions of this Act or the applications of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Jesus R. Sablan  
JESUS R. SABLAN  
PRESIDENT OF THE SENATE

**ATTESTED TO BY:**

/s/ Henry DLG. San Nicolas  
HENRY DLG. SAN NICOLAS  
SENATE LEGISLATIVE SECRETARY

Vetoed this 19<sup>th</sup> day of March, 1997.

/s/ Froilan C. Tenorio  
FROILAN C. TENORIO  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Overridden by the Senate on April 2, 1997 and the House of Representatives on April 18, 1997 with the affirmative note of two-thirds (2/3) of the members in each house.**

**CERTIFIED BY:**

/s/ Jesus R. Sablan  
JESUS R. SABLAN  
PRESIDENT OF THE SENATE

/s/ Diego T. Benavente  
DIEGO T. BENAVENTE  
SPEAKER OF THE HOUSE

Overridden by the Senate on : 4/2/97  
Overridden by the House on : 4/18/97  
Became Public Law No. 10-56