

Adopted Rejected

# COMMITTEE REPORT

YES: 6  
NO: 1

**MR. SPEAKER:**

*Your Committee on Judiciary, to which was referred Senate Bill 382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, between lines 3 and 4, begin a new paragraph and insert:
- 2 "(c) This chapter does not apply to the exploitation of a senior
- 3 consumer in relation to securities fraud that is regulated by the
- 4 secretary of state's office. A senior consumer who is a victim of an
- 5 act that is:
- 6 (1) described in section 4(a) or 4(b) of this chapter; and
- 7 (2) related to the Indiana uniform securities act under
- 8 IC 23-19;
- 9 shall report the act to the secretary of state under IC 23-19. If the
- 10 secretary of state's office determines the person who committed the
- 11 act is not subject to the regulation of the secretary of state's office,
- 12 the secretary of state's office shall immediately refer the senior
- 13 consumer to the attorney general and the senior consumer may
- 14 pursue remedies available under this chapter."

- 1 Page 2, line 7, delete "simply," and insert "**simplify**,".
- 2 Page 2, line 15, delete "concealment" and insert "**omission**".
- 3 Page 2, line 26, delete "he or she" and insert "**the senior**
- 4 **consumer**".
- 5 Page 3, line 6, delete "he or she" and insert "**the person**".
- 6 Page 11, after line 37, begin a new paragraph and insert:
- 7 "**SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The general**
- 8 **assembly urges the legislative council to assign to an interim or**
- 9 **statutory study committee, for study during the 2013 legislative**
- 10 **interim, the topic of a supplier discriminating against consumers**
- 11 **based on the price of promotion of goods to retailers by refusing to**
- 12 **sell to a retailer a good at the same price that the supplier sells the**
- 13 **good to any other retailer.**
- 14 **(b) If the topic described in subsection (a) is assigned to an**
- 15 **interim or statutory study committee under subsection (a), the**
- 16 **study committee shall:**
- 17 **(1) consider whether a supplier should be prohibited from**
- 18 **discriminating against consumers by charging retailers higher**
- 19 **prices based on the type of retailer or the demographic of the**
- 20 **customer served;**
- 21 **(2) consider why suppliers refuse to sell value packaged goods**
- 22 **to certain retailers and sell only reduced sizes with higher per**
- 23 **ounce costs to certain retailers;**
- 24 **(3) consider why suppliers increase the price of goods to**
- 25 **consumers who shop at certain retailers even if the retailers**
- 26 **purchase identical volumes and are similarly situated as other**
- 27 **retailers;**
- 28 **(4) consider why certain retailers may purchase goods in bulk**
- 29 **when the opportunity to do so is denied to other retailers that**
- 30 **may be buying the same or a larger amount of goods;**
- 31 **(5) recommend the appropriate remedy if a cause of action**
- 32 **exists; and**
- 33 **(6) recommend whether the attorney general should be**
- 34 **involved in a cause of action if a cause of action exists under**
- 35 **subdivision (1).**
- 36 **(c) If the topic described in subsection (a) is assigned to an**
- 37 **interim or statutory study committee, the study committee shall**
- 38 **issue a final report to the legislative council containing the study**

1        **committee's findings and recommendations, including any**  
2        **recommended legislation concerning the topic, not later than**  
3        **November 1, 2013.**

4        **(d) This SECTION expires December 31, 2013.**

5        **SECTION 5. An emergency is declared for this act."**

(Reference is to SB 382 as reprinted February 19, 2013.)

**and when so amended that said bill do pass.**

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Representative Steuerwald