

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Sale Price Ad Act is amended by changing Sections 1 and 4 and by adding Section 3.7 as follows:

(815 ILCS 408/1) (was 720 ILCS 350/1)

Sec. 1. As used in this Act:

"Seller" means any person or legal entity that is in the business of selling consumer goods to the public.

"Consumer goods" means any machine, appliance, clothing, or like product bought for personal, family or household purposes.

"Advertise" or "Advertising" means a notice in a newspaper, magazine, pamphlet or flyer; an announcement on television, cable television, or radio; and any other method of communicating to the public.

"Digital promotion" means any discount advertised, offered, delivered, or redeemed by electronic means, including, but not limited to, a mobile application, website, email, or another similar method.

"Discount" includes, but is not limited to, any coupon or promotion in an electronic, digital, paper, or any other format that offers a price reduction or credit for any goods to

a consumer, either directly or indirectly, through redemption by a retailer.

"Person" means an individual, natural person, public or private corporation, government, partnership, unincorporated association, or other entity.

"Retail mercantile establishment" means a retailer where 55% or more of its gross sales include nonprescription medicines and any cooked or uncooked article of food, beverage, alcohol, confection, or condiment used for or intended to be used for human consumption off premises.

"Self-service checkout" means an interactive electronic terminal that facilitates an action or displays a piece of information and allows a consumer to pay for goods and services.

(Source: P.A. 102-722, eff. 5-6-22.)

(815 ILCS 408/3.7 new)

Sec. 3.7. Digital promotions; consumer access.

(a) A retail mercantile establishment that owns and operates a mobile or computer application through which the retail mercantile establishment advertises, offers, delivers, or redeems digital promotions available in the retail mercantile establishment shall ensure that the benefits of a digital promotion are provided to any eligible consumer who meets the stated terms and conditions of the digital promotion. A retail mercantile establishment may establish any

redemption mechanism that allows an eligible consumer a practical means of receiving the digital promotion in the ordinary course of a transaction, including, but not limited to, automatic discounts, point-of-sale assisted discounts, the use of barcodes, quick response codes, or other unique identifiers, or post-purchase methods, including the submission of a receipt or proof of purchase or any other reasonable means.

(b) Nothing in this Section shall be construed to restrict a retail mercantile establishment's discretion to determine the format, technology, or process by which a digital promotion is redeemed or applied to a qualifying transaction if any eligible consumer receives the equal value of the digital promotion as advertised when the consumer satisfies the stated terms and conditions of the digital promotion.

(c) Nothing in this Section shall be construed to require a retail mercantile establishment to:

(1) offer or provide the benefits of any digital promotion, discount, or other incentive to consumers who are not enrolled in a loyalty, membership, rewards, or similar program when enrollment, application, or any comparable action in the program is required to receive the benefits; or

(2) make available targeted or personalized offers that are based on a consumer's status in a loyalty, membership, rewards, or similar program.

(d) Nothing in this Section shall be construed to apply to a digital promotion in connection with online, delivery, pickup, or other remote transactions or sales channel.

(e) Except as otherwise provided under this Act or any other federal or State law, no person may:

(1) enforce any requirement, condition, penalty, or fine, contractually or otherwise, upon a retail mercantile establishment that relates to the offer or display of prices, discounts, digital promotions, or services for sale by the retail mercantile establishment; or

(2) otherwise restrict or regulate a retail mercantile establishment's ability to provide discounts, digital promotions, or incentives to consumers in connection with the purchase of consumer goods.

(815 ILCS 408/4) (was 720 ILCS 350/4)

Sec. 4. (a) Violation of this Act is a business offense with a fine not to exceed \$25. A person or retail mercantile establishment shall not be fined in excess of \$500 per year for violations under this Act. A person may bring an action for injunctive relief to obtain compliance with this Act. A prevailing party may recover reasonable attorney's fees and costs in an action brought under this Section.

(b) No fine shall be imposed on a person or a retail mercantile establishment for a violation of this Act unless the person or retail mercantile establishment is provided

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written notice of the alleged violation and afforded 15 days after receipt of the notice to cure the violation. If the retail mercantile establishment cures the violation within the 15-day period, no fine shall be assessed for that violation.

(Source: P.A. 102-722, eff. 5-6-22.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.