

AN ACT concerning business.

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

Section 1. Short title. This Act may be cited as the Consumer Product Return Act.

Section 5. Definitions. As used in this Act:

"Consumer product" means any machine, appliance, clothing, or similar product bought for personal, family, or household purposes. "Consumer product" does not include prescription medicine, over-the-counter medicine, medical equipment, or food or beverage items intended for human consumption.

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

"Retail mercantile establishment" means a place of business in this State that is open to the general public for the sale of consumer products. "Retail mercantile establishment" does not include an establishment for which more than 50% of gross annual sales are derived from the sale of food or beverages for either on-premises consumption or off-premises preparation and consumption.

"Unopened" means a product that remains in its original manufacturer or retailer packaging; has not been unsealed,

unwrapped, opened, or otherwise tampered with; and retains all original labels, shrink wrap, seals, or tags intact and affixed in their original condition.

"Unused" means a product that has not been worn, installed, operated, consumed, or otherwise subjected to any use, handling, or alteration that changes its original condition as sold.

Section 10. Unopened and unused returns.

(a) A retail mercantile establishment shall not limit the method of return or refund to the issuance of store credit when accepting the return of an unopened or unused consumer product from a consumer.

(b) A retail mercantile establishment may require a consumer to provide reasonable proof of purchase, including, but not limited to, a receipt, transaction record, identification, or other evidence, and may use any reasonable method to verify that the consumer purchased the unused or unopened consumer product before processing a return, refund, or exchange under this Section.

(c) Nothing in this Section shall be construed to require a retail mercantile establishment to accept the return of a consumer product if the establishment, in its reasonable judgment, suspects fraud or determines that the consumer product is not unopened or unused.

(d) Nothing in this Section shall be construed to

prohibit, restrict, or regulate a retail mercantile establishment from establishing a return policy or terms and conditions governing the return of a consumer product if the requirements of subsection (a) are satisfied.

(e) Nothing in this Section shall be construed to prohibit, restrict, or regulate a retail mercantile establishment from offering any lawful method of refund or exchange for a consumer product, including, but not limited to, store credit, refund in the original form of payment, product exchange, or any other method of return.

(f) Nothing in this Section shall be construed to require a retail mercantile establishment to accept the return of any consumer product that does not qualify for return under the establishment's return policy or applicable law.

(g) No person, including, but not limited to, online marketplaces, delivery service providers, or any other intermediaries involved in the purchase or delivery of a consumer good, shall fail to remit to a retail mercantile establishment the value of a consumer product when a purchase is rescinded, if the consumer has received the product and has not returned, or made the product available for return to, the retail mercantile establishment.

Section 15. Penalties.

(a) A violation of this Act is a business offense with a fine not to exceed \$25. A retail mercantile establishment

shall not be fined in excess of \$500 in a calendar year for violations of this Act. A violation of this Act shall be prosecuted by the State's Attorney of the county in which the violation occurred.

(b) A person may bring an action for injunctive relief to obtain compliance with this Act. An action brought under this Section shall be limited to injunctive or other equitable relief necessary to secure compliance with this Act and shall not authorize an award of damages, civil penalties, attorney's fees, or costs.

Section 20. Notice to cure. Before a fine may be imposed under this Act, the State's Attorney of the county in which the violation occurred shall provide the retail mercantile establishment with written notice of the violation. The retail mercantile establishment shall have 30 days after the date of the notice to cure the violation. If the violation is cured within the 30-day period, no fine shall be imposed for that violation.

Section 25. Home rule. The regulation of the return of consumer products is an exclusive power and function of the State. A home rule unit may not regulate the return of consumer products. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Public Act 104-0593

HB4044 Enrolled

LRB104 12966 SPS 24599 b

Section 99. Effective date. This Act takes effect July 1,
2027.