

1 AN ACT concerning business.

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

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

6 (815 ILCS 408/1) (was 720 ILCS 350/1)

7 Sec. 1. As used in this Act:

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

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

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

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

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

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

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

6 "Retail mercantile establishment" means a retailer where
7 55% or more of its gross sales include nonprescription
8 medicines and any cooked or uncooked article of food,
9 beverage, alcohol, confection, or condiment used for or
10 intended to be used for human consumption off premises.

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

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

16 (815 ILCS 408/3.7 new)

17 Sec. 3.7. Digital promotions; consumer access.

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

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

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

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

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

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

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

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

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

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

15 (815 ILCS 408/4) (was 720 ILCS 350/4)

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

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

1 written notice of the alleged violation and afforded 15 days
2 after receipt of the notice to cure the violation. If the
3 retail mercantile establishment cures the violation within the
4 15-day period, no fine shall be assessed for that violation.

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

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