



Rep. Janet Yang Rohr

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LRB104 05400 SPS 35678 a

1 AMENDMENT TO HOUSE BILL 45

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 45 by replacing  
3 everything after the enacting clause with the following:

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.

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

5       "Discount" includes, but is not limited to, any coupon or  
6 promotion in an electronic, digital, paper, or any other  
7 format that offers a price reduction or credit for any goods to  
8 a consumer, either directly or indirectly, through redemption  
9 by a retailer.

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

13       "Retail mercantile establishment" means a retailer where  
14 55% or more of its gross sales include nonprescription  
15 medicines and any cooked or uncooked article of food,  
16 beverage, alcohol, confection, or condiment used for or  
17 intended to be used for human consumption off premises.

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

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

23       (815 ILCS 408/3.7 new)

24       Sec. 3.7. Digital promotions; consumer access.

25       (a) A retail mercantile establishment that owns and

1 operates a mobile or computer application through which the  
2 retail mercantile establishment advertises, offers, delivers,  
3 or redeems digital promotions available in the retail  
4 mercantile establishment shall ensure that the benefits of a  
5 digital promotion are provided to any eligible consumer who  
6 meets the stated terms and conditions of the digital  
7 promotion. A retail mercantile establishment may establish any  
8 redemption mechanism that allows an eligible consumer a  
9 practical means of receiving the digital promotion in the  
10 ordinary course of a transaction, including, but not limited  
11 to, automatic discounts, point-of-sale assisted discounts, the  
12 use of barcodes, quick response codes, or other unique  
13 identifiers, or post-purchase methods, including the  
14 submission of a receipt or proof of purchase or any other  
15 reasonable means.

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

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

25 (1) offer or provide the benefits of any digital  
26 promotion, discount, or other incentive to consumers who

1 are not enrolled in a loyalty, membership, rewards, or  
2 similar program when enrollment, application, or any  
3 comparable action in the program is required to receive  
4 the benefits; or

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

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

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

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

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

22 (815 ILCS 408/4) (was 720 ILCS 350/4)

23 Sec. 4. (a) Violation of this Act is a business offense  
24 with a fine not to exceed \$25. A person or retail mercantile  
25 establishment shall not be fined in excess of \$500 per year for

1 violations under this Act. A person may bring an action for  
2 injunctive relief to obtain compliance with this Act. A  
3 prevailing party may recover reasonable attorney's fees and  
4 costs in an action brought under this Section.

5 (b) No fine shall be imposed on a person or a retail  
6 mercantile establishment for a violation of this Act unless  
7 the person or retail mercantile establishment is provided  
8 written notice of the alleged violation and afforded 15 days  
9 after receipt of the notice to cure the violation. If the  
10 retail mercantile establishment cures the violation within the  
11 15-day period, no fine shall be assessed for that violation.

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

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