



Rep. Marcus C. Evans, Jr.

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10400HB4044ham001

LRB104 12966 SPS 36149 a

1 AMENDMENT TO HOUSE BILL 4044

2 AMENDMENT NO. _____. Amend House Bill 4044 by replacing
3 everything after the enacting clause with the following:

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

6 Section 5. Definitions. As used in this Act:

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

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

15 "Retail mercantile establishment" means a place of
16 business in this State that is open to the general public for

1 the sale of consumer products. "Retail mercantile
2 establishment" does not include an establishment for which
3 more than 50% of gross annual sales are derived from the sale
4 of food or beverages for either on-premises consumption or
5 off-premises preparation and consumption.

6 "Unopened" means a product that remains in its original
7 manufacturer or retailer packaging; has not been unsealed,
8 unwrapped, opened, or otherwise tampered with; and retains all
9 original labels, shrink wrap, seals, or tags intact and
10 affixed in their original condition.

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

15 Section 10. Unopened and unused returns.

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

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

1 or exchange under this Section.

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

7 (d) Nothing in this Section shall be construed to
8 prohibit, restrict, or regulate a retail mercantile
9 establishment from establishing a return policy or terms and
10 conditions governing the return of a consumer product if the
11 requirements of subsection (a) are satisfied.

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

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

22 (g) No person, including, but not limited to, online
23 marketplaces, delivery service providers, or any other
24 intermediaries involved in the purchase or delivery of a
25 consumer good, shall fail to remit to a retail mercantile
26 establishment the value of a consumer product when a purchase

1 is rescinded, if the consumer has received the product and has
2 not returned, or made the product available for return to, the
3 retail mercantile establishment.

4 Section 15. Penalties.

5 (a) A violation of this Act is a business offense with a
6 fine not to exceed \$25. A retail mercantile establishment
7 shall not be fined in excess of \$500 in a calendar year for
8 violations of this Act. A violation of this Act shall be
9 prosecuted by the State's Attorney of the county in which the
10 violation occurred.

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

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

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

7 Section 99. Effective date. This Act takes effect July 1,
8 2027."