

# SB3657



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3657

Introduced 2/5/2026, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2MMMM new  
815 ILCS 505/2NNNN new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that a grocery store that offers a digital coupon to consumers for the purchase of goods must make available a corresponding physical or paper copy of the coupon of equal value to consumers upon request. Provides that the paper coupons shall be easily accessible at the service desk and may also be placed in other locations around the store. Provides that a person may not use surveillance-based price setting or use surveillance data as part of an automated decision system to inform the individualized price assessed to a consumer for goods or services. Sets forth limitations to the provision. Provides that a violation of either provision is an unlawful practice within the meaning of the Act.

LRB104 19464 SPS 32912 b

A BILL FOR

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 Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Sections 2MMMM and 2NNNN as  
6 follows:

7 (815 ILCS 505/2MMMM new)

8 Sec. 2MMMM. Grocery store coupons.

9 (a) As used in this Section:

10 "Digital coupon" means any coupon, rebate, discount, or  
11 similar instrument offered by a grocery store in an electronic  
12 format through its website or mobile application, including,  
13 but not limited to, digital coupons offered pursuant to a  
14 loyalty or rewards program.

15 "Loyalty or rewards program" means any system, program,  
16 contract, or agreement offered by a grocery store that  
17 provides benefits to returning customers.

18 (b) A grocery store that offers a digital coupon to  
19 consumers for the purchase of goods shall make available a  
20 corresponding physical or paper copy of the coupon of equal  
21 value to consumers upon request. The paper coupons shall be  
22 easily accessible at the service desk and may also be placed in  
23 other locations around the store.

1       (c) Any digital discount price shall be clearly shown  
2 where goods are displayed or on each individual item offered  
3 for sale.

4       (d) A grocery store shall post a sign or notice at or near  
5 the checkout register, in a location visible to consumers,  
6 stating that digital coupons are available in corresponding  
7 physical or paper copies and will be honored upon request even  
8 if the consumer has not signed up for the electronic medium  
9 where the digital coupon was offered.

10       (e) This Section does not apply to a grocery store that  
11 operates exclusively online.

12       (f) A grocery store that violates this Section commits an  
13 unlawful practice within the meaning of this Act.

14       (815 ILCS 505/2NNNN new)

15       Sec. 2NNNN. Surveillance-based price discrimination  
16 prohibited.

17       (a) As used in this Section:

18       "Automated decision system" means any system, software, or  
19 process, including one derived from machine learning,  
20 statistics, or other data processing or artificial  
21 intelligence techniques and excluding passive computing  
22 infrastructure, that uses computation, the result of which is  
23 used to assist or replace human decision-making.

24       "Behaviors" means an individual's observable, measurable,  
25 or inferred actions, habits, preferences, interests, or

1 vulnerabilities, including an individual's political,  
2 personal, or professional affiliations, web browsing history,  
3 purchase history, financial circumstances, or consumer  
4 behaviors.

5 "Biometric information" means data or information  
6 generated by the technological, processing, measurement, or  
7 analysis of a consumer's biological, physical, or behavioral  
8 characteristics, that can be used for the purpose of uniquely  
9 identifying an individual. "Biometric information" includes  
10 fingerprints, voiceprints, scans or records of an eye retina  
11 or iris, facial maps, facial geometry, facial templates,  
12 genetic information, or other unique biological, physical, or  
13 behavioral patterns or characteristics.

14 "Individualized" means specific to an individual or group,  
15 band, class, or tier of individuals with particular personal  
16 characteristics, behaviors, or biometric information.

17 "Personal characteristics" means individual qualities,  
18 features, attributes, or traits, including immutable  
19 characteristics, such as race and eye color, mutable  
20 characteristics, such as address, weight, citizenship, or  
21 parenthood status, and any other personally identifiable  
22 information that could be used to identify an individual,  
23 including social security number, name, or phone number.

24 "Surveillance data" means data obtained through  
25 observation, inference, or surveillance of a consumer or  
26 employee that is related to personal information, including,

1 but not limited to, personal characteristics, behaviors, or  
2 biometric information of the individual or group, band, class,  
3 or tier of individuals of which the individual is a part.  
4 "Surveillance data" includes information gathered, purchased,  
5 or otherwise acquired.

6 "Surveillance-based price setting" means using an  
7 automated decision system to offer or inform a customized  
8 price for a good or service for a specific person or consumer,  
9 or group of people or consumers, based, in whole or in part, on  
10 surveillance data.

11 (b) A person may not use surveillance-based price setting  
12 or use surveillance data as part of an automated decision  
13 system to inform the individualized price assessed to a  
14 consumer for goods or services.

15 (c) This Section does not apply to:

16 (1) a difference in price is based solely on  
17 reasonable costs associated with providing the good or  
18 service to different consumers;

19 (2) a discounted price is offered to members of a  
20 broadly defined group, including teachers, veterans,  
21 senior citizens, or students, based on publicly disclosed  
22 eligibility criteria; or

23 (3) a discounted price is offered through a loyalty,  
24 membership, or rewards program that consumers  
25 affirmatively enrolled in, including signing up for a  
26 mailing list, registering for promotional communication,

1 or participating in a promotional event.

2 (d) A person that violates this Section commits an

3 unlawful practice within the meaning of this Act.