

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 3.5 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 "Discount" includes, but is not limited to, any coupon or
18 promotion in an electronic, digital, paper, or any other
19 format that offers a price reduction or credit for any goods to
20 a consumer, either directly or indirectly, through redemption
21 by a retailer.

22 "Person" means an individual, natural person, public or
23 private corporation, government, partnership, unincorporated

1 association, or other entity.

2 "Retail mercantile establishment" means a retailer where
3 55% or more of its gross sales include nonprescription
4 medicines and any cooked or uncooked article of food,
5 beverage, alcohol, confection, or condiment used for or
6 intended to be used for human consumption off premises.

7 "Self-service checkout" means an interactive electronic
8 terminal that facilitates an action or displays a piece of
9 information and allows a consumer to pay for goods and
10 services.

11 (Source: P.A. 79-732.)

12 (815 ILCS 408/3.5 new)

13 Sec. 3.5. Disclosure of discounted price; grocery stores;
14 supermarkets.

15 (a) If a discount is offered for an item, the retail
16 mercantile establishment shall provide (i) the original price
17 and the discounted price; (ii) the original price and a credit
18 or reduction of the advertised savings; (iii) the amount saved
19 or the amount reduced as a percentage; or (iv) any other format
20 for showing the advertised savings of the discount to the
21 consumer. The retail mercantile establishment may use any
22 reasonable method available to provide notice of the
23 advertised savings of the discount, including, but not limited
24 to, the following commercial channels:

25 (1) by screen or other display at the point of sale;

1 (2) by paper or electronic receipt;

2 (3) by email, text message, mobile or computer
3 application, or any other electronic or digital
4 communication;

5 (4) by in-store consumer promotions, advertisement, or
6 any other similar display;

7 (5) by membership, loyalty, or reward program or any
8 other similar program; or

9 (6) by any other reasonable means available to the
10 retail mercantile establishment.

11 Nothing in this Section shall prohibit a retail mercantile
12 establishment from providing notice of discounts to consumers
13 through more than one commercial channel or require the retail
14 mercantile establishment to provide notice of discounts to
15 consumers through more than one commercial channel.

16 (b) In order to be in compliance with this Section, a
17 retail mercantile establishment may request information from
18 the consumer that will facilitate the required notice of the
19 discount to the consumer. A retail mercantile establishment
20 subject to this Section that accepts information provided by
21 the consumer shall be deemed in compliance with any law
22 regulating the collection of personal or biometric
23 information.

24 (c) If a consumer refuses to provide information to the
25 retail mercantile establishment in order for the retail
26 mercantile establishment to comply with this Section, the

1 retail mercantile establishment shall not be liable under this
2 Section.

3 (d) Consumer discounts are expressly allowed under 27 CFR
4 6.96. Notwithstanding 27 CFR 6.96, nothing in this Section,
5 other laws, or rules shall be construed to regulate, limit, or
6 prohibit the terms of a consumer discount or the ability of a
7 retail mercantile establishment from offering consumer
8 discounts for any retail product.

9 (e) The final purchase price that includes discounted
10 items offered by a retail mercantile establishment must be
11 excluded from the amount upon which any fee is charged the
12 retail mercantile establishment by any person when a consumer
13 uses a card, note, plate, coupon book, credit, or any other
14 similar device to purchase the discounted item or items.

15 (f) The requirements in subsection (a) do not apply to
16 self-service checkout. Nothing in this Section, other laws, or
17 rules shall be construed to limit, regulate, or prohibit the
18 use of a self-service checkout by a retail mercantile
19 establishment or the products or services purchased at a
20 self-service checkout located on or within the premises of a
21 retail mercantile establishment.

22 (g) The requirements in subsection (a) do not apply to
23 consumer purchases made at wholesale clubs that sell consumer
24 goods and services through a membership model.

25 (h) The regulation of the disclosure of discounted prices
26 by retail mercantile establishments is an exclusive power and

1 function of the State. A home rule unit may not regulate the
2 disclosure of discounted prices by retail mercantile
3 establishments. This Section is a denial and limitation of
4 home rule powers and functions under subsection (h) of Section
5 6 of Article VII of the Illinois Constitution.

6 (815 ILCS 408/4) (was 720 ILCS 350/4)

7 Sec. 4. Violation of this Act is a business offense with a
8 fine not to exceed \$25. A person or retail mercantile
9 establishment shall not be fined in excess of \$500 per year for
10 violations under this Act.

11 (Source: P.A. 79-732.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.