



Rep. Natalie A. Manley

Filed: 2/1/2022

10200HB2910ham001

LRB102 12677 SPS 35025 a

1 AMENDMENT TO HOUSE BILL 2910

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2910 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by adding Section 2AAAA as follows:

6 (815 ILCS 505/2AAAA new)

7 Sec. 2AAAA. Disclosure of discounted price; grocery  
8 stores; supermarkets.

9 (a) As used in this Section:

10 "Discount" includes, but is not limited to, any coupon or  
11 promotion in an electronic, digital, paper, or any other  
12 format that offers a price reduction or credit for any goods to  
13 a consumer, either directly or indirectly, through redemption  
14 by a retailer.

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

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

22 (2) by paper or electronic receipt;

23 (3) by email, text message, mobile or computer  
24 application, or any other electronic or digital  
25 communication;

26 (4) by in-store consumer promotions, advertisement, or

1       any other similar display;

2           (5) by membership, loyalty, or reward program or any  
3       other similar program; or

4           (6) by any other reasonable means available to the  
5       retail mercantile establishment.

6       Nothing in this Section shall prohibit a retail mercantile  
7       establishment from providing notice of discounts to consumers  
8       through more than one commercial channel or require the retail  
9       mercantile establishment to provide notice of discounts to  
10       consumers through more than one commercial channel.

11       (c) In order to be in compliance with this Section, a  
12       retail mercantile establishment may request information from  
13       the consumer that will facilitate the required notice of the  
14       discount to the consumer. A retail mercantile establishment  
15       subject to this Section that accepts information provided by  
16       the consumer shall be deemed in compliance with any law  
17       regulating the collection of personal or biometric  
18       information.

19       (d) If a consumer refuses to provide information to the  
20       retail mercantile establishment in order for the retail  
21       mercantile establishment to comply with this Section, the  
22       retail mercantile establishment shall not be liable under this  
23       Section.

24       (e) Consumer discounts are expressly allowed under 27 CFR  
25       6.96. Notwithstanding 27 CFR 6.96, nothing in this Section,  
26       other laws, or rules shall be construed to regulate, limit, or

1 prohibit the terms of a consumer discount or the ability of a  
2 retail mercantile establishment from offering consumer  
3 discounts for any retail product.

4 (f) The final purchase price that includes discounted  
5 items offered by a retail mercantile establishment must be  
6 excluded from the amount upon which any fee is charged the  
7 retail mercantile establishment by any person when a consumer  
8 uses a card, note, plate, coupon book, credit, or any other  
9 similar device to purchase the discounted item or items.

10 (g) The requirements in subsection (b) do not apply to  
11 self-service checkout. Nothing in this Section, other laws, or  
12 rules shall be construed to limit, regulate, or prohibit the  
13 use of a self-service checkout by a retail mercantile  
14 establishment or the products or services purchased at a  
15 self-service checkout located on or within the premises of a  
16 retail mercantile establishment.

17 (h) The requirements in subsection (b) do not apply to  
18 consumer purchases made at a wholesale clubs that sell  
19 consumer goods and services through a membership model.

20 (i) The Attorney General shall provide notice of a  
21 violation of subsection (b) to a retail mercantile  
22 establishment. The retail mercantile establishment shall have  
23 90 days after the date of the Attorney General's notice of  
24 violation of subsection (b) to remedy the violation by  
25 providing the correct notice pursuant to the alternatives in  
26 subsection (b). Upon a subsequent identical violation within

1 one year after the 90-day remediation period, the retail  
2 mercantile establishment shall be liable for a \$250 fine for  
3 each identical violation. A retail mercantile establishment  
4 shall not be fined in excess of \$2,500 per year for violations  
5 under this Section.

6 (j) A violation of subsection (f) constitutes an unlawful  
7 practice within the meaning of this Act.

8 (k) The regulation of the notice of consumer discounts,  
9 the regulation of consumer discounts, and the regulation of  
10 self-service checkouts are exclusive powers of this State."