



Rep. Natalie A. Manley

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10200HB2910ham002

LRB102 12677 SPS 36399 a

1 AMENDMENT TO HOUSE BILL 2910

2 AMENDMENT NO. _____. Amend House Bill 2910, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Sale Price Ad Act is amended by changing
6 Sections 1, and 4 and by adding Section 3.5 as follows:

7 (815 ILCS 408/1) (was 720 ILCS 350/1)

8 Sec. 1. As used in this Act:

9 "Seller" means any person or legal entity that is in the
10 business of selling consumer goods to the public.

11 "Consumer goods" means any machine, appliance, clothing,
12 or like product bought for personal, family or household
13 purposes.

14 "Advertise" or "Advertising" means a notice in a
15 newspaper, magazine, pamphlet or flyer; an announcement on
16 television, cable television, or radio; and any other method

1 of communicating to the public.

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

7 "Person" means an individual, natural person, public or
8 private corporation, government, partnership, unincorporated
9 association, or other entity.

10 "Retail mercantile establishment" means a retailer where
11 55% or more of its gross sales include nonprescription
12 medicines and any cooked or uncooked article of food,
13 beverage, alcohol, confection, or condiment, used for or
14 intended to be used for human consumption off premises.

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

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

20 (815 ILCS 408/3.5 new)

21 Sec. 3.5. Disclosure of discounted price; grocery stores;
22 supermarkets.

23 (a) If a discount is offered for an item, the retail
24 mercantile establishment shall provide (i) the original price
25 and the discounted price; (ii) the original price and a credit

1 or reduction of the advertised savings; (iii) the amount saved
2 or the amount reduced as a percentage; or (iv) any other format
3 for showing the advertised savings of the discount to the
4 consumer. The retail mercantile establishment may use any
5 reasonable method available to provide notice of the
6 advertised savings of the discount, including, but not limited
7 to, the following commercial channels:

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

9 (2) by paper or electronic receipt;

10 (3) by email, text message, mobile or computer
11 application, or any other electronic or digital
12 communication;

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

15 (5) by membership, loyalty, or reward program or any
16 other similar program; or

17 (6) by any other reasonable means available to the
18 retail mercantile establishment.

19 Nothing in this Section shall prohibit a retail mercantile
20 establishment from providing notice of discounts to consumers
21 through more than one commercial channel or require the retail
22 mercantile establishment to provide notice of discounts to
23 consumers through more than one commercial channel.

24 (b) In order to be in compliance with this Section, a
25 retail mercantile establishment may request information from
26 the consumer that will facilitate the required notice of the

1 discount to the consumer. A retail mercantile establishment
2 subject to this Section that accepts information provided by
3 the consumer shall be deemed in compliance with any law
4 regulating the collection of personal or biometric
5 information.

6 (c) If a consumer refuses to provide information to the
7 retail mercantile establishment in order for the retail
8 mercantile establishment to comply with this Section, the
9 retail mercantile establishment shall not be liable under this
10 Section.

11 (d) Consumer discounts are expressly allowed under 27 CFR
12 6.96. Notwithstanding 27 CFR 6.96, nothing in this Section,
13 other laws, or rules shall be construed to regulate, limit, or
14 prohibit the terms of a consumer discount or the ability of a
15 retail mercantile establishment from offering consumer
16 discounts for any retail product.

17 (e) The final purchase price that includes discounted
18 items offered by a retail mercantile establishment must be
19 excluded from the amount upon which any fee is charged the
20 retail mercantile establishment by any person when a consumer
21 uses a card, note, plate, coupon book, credit, or any other
22 similar device to purchase the discounted item or items.

23 (f) The requirements in subsection (a) do not apply to
24 self-service checkout. Nothing in this Section, other laws, or
25 rules shall be construed to limit, regulate, or prohibit the
26 use of a self-service checkout by a retail mercantile

1 establishment or the products or services purchased at a
2 self-service checkout located on or within the premises of a
3 retail mercantile establishment.

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

7 (h) The regulation of the disclosure of discounted prices
8 by retail mercantile establishments is an exclusive power and
9 function of the State. A home rule unit may not regulate the
10 disclosure of discounted prices by retail mercantile
11 establishments. This Section is a denial and limitation of
12 home rule powers and functions under subsection (h) of Section
13 6 of Article VII of the Illinois Constitution.

14 (815 ILCS 408/4) (was 720 ILCS 350/4)

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."