



Rep. Edgar Gonzalez, Jr.

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10300HB3281ham001

LRB103 29030 SPS 60000 a

1 AMENDMENT TO HOUSE BILL 3281

2 AMENDMENT NO. _____. Amend House Bill 3281 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 2BBBB as follows:

6 (815 ILCS 505/2BBBB new)

7 Sec. 2BBBB. Retail businesses prohibited from refusing
8 cash payments.

9 (a) As used in this Section:

10 "Cash" means the coin and paper money of the United
11 States.

12 "Electronic payment" means a payment transaction that is
13 initiated and processed using electronic or digital means.

14 "Fuel station" means an establishment at which motor
15 vehicles are refueled.

16 "Grocery store" means a retail establishment where 50% or

1 more of its gross sales include nonprescription medicines,
2 uncooked article of foods, beverages, confections, and
3 condiments used for or intended to be used for human
4 consumption off premises.

5 "Pharmacy" has the meaning set forth in subsection (a) of
6 Section 3 of the Pharmacy Practice Act.

7 "Prepaid card" means any secured instrument that uses an
8 account identification number that is not connected with a
9 personal financial account to access deposited cash to
10 purchase goods, services, or anything else of value.

11 "Retail mercantile establishment" means a fuel station,
12 pharmacy, restaurant, or grocery store.

13 "Restaurant" means any business that is primarily engaged
14 in the sale of ready-to-eat food for immediate consumption
15 that comprises at least 51% of the total sales, excluding the
16 sale of liquor. "Restaurant" does not include a temporary
17 vendor at a market or festival, a business operating from a
18 vehicle or other mobile space, or a street vendor.

19 "Self-service checkout" means an interactive electronic
20 terminal that facilitates an action or displays a piece of
21 information and allows a consumer to pay for goods and
22 services.

23 (b) Each State or local agency or public utility or an
24 authorized agent of the State or local agency or public
25 utility shall provide a means to accept cash to pay any amount
26 due of less than \$750 to that State or local agency or public

1 utility.

2 (c) A retail mercantile establishment selling or offering
3 to sell goods or services to the public that employs an
4 individual to accept in-person payments at a physical location
5 shall not:

6 (1) refuse to accept cash as a form of payment for
7 sales of less than \$750 made at such physical location;

8 (2) post a sign on the premises stating that cash
9 payment is not accepted; or

10 (3) charge a higher price to customers paying with
11 cash compared to the price charged to customers not paying
12 with cash.

13 (d) The provisions of subsection (c) shall not apply to:

14 (1) self-service checkouts;

15 (2) retail sales that occur between the times of 11
16 p.m. and 6 a.m. for restaurants, fuel stations, and
17 grocery stores only;

18 (3) a retail mercantile establishment that is unable
19 to accept cash because of a sales system failure that
20 temporarily prevents the processing of cash payments or a
21 temporary insufficiency in cash on hand needed to provide
22 change;

23 (4) a retail mercantile establishment that sells
24 consumer goods exclusively through a membership model
25 requiring payment by means of an affiliated mobile device
26 application or online application;

1 (5) a retail mercantile establishment that sells
2 consumer goods and services through a membership model;

3 (6) a retail mercantile establishment that both (i)
4 accepts prepaid cards as payment for goods and services;
5 and (ii) provides a mechanism to convert cash to the
6 prepaid card either at the point of sale, self-service
7 checkout, or similar method within the retail mercantile
8 establishment; or

9 (7) retail sales made by the telephone, internet,
10 mobile application or other similar means but completed in
11 person at the seller's location or retail sales made by
12 the telephone, internet, mobile application, or other
13 similar means but completed in person off-premises.

14 (e) Notwithstanding paragraph (1) of subsection (d), a
15 retail mercantile establishment subject to subsection (c)
16 shall be deemed to comply with this Section if no fewer than
17 one point of sale at that physical location accepts cash.

18 (f) Nothing in this Section requires a person to accept
19 any bills larger than \$20 bills as payment for goods or
20 services.

21 (g) The regulation of accepting cash or electronic
22 payments by retail mercantile establishments is an exclusive
23 power and function of the State. A home rule unit may not
24 regulate the acceptance of cash or electronic payments by a
25 retail mercantile establishment that is inconsistent with this
26 Section. This Section is a denial and limitation of home rule

1 powers and functions under subsection (i) of Section 6 of
2 Article VII of the Illinois Constitution.

3 (h) Nothing in this Section shall be construed to limit,
4 regulate, or prohibit the acceptance of electronic payments by
5 a retail mercantile establishment.

6 (i) A violation of this Section shall be a business
7 offense and may be fined as follows:

8 (1) for a first violation, a fine not exceeding \$50;

9 (2) for a second violation within a 12-month period, a
10 fine not exceeding \$100;

11 (3) for a third violation within a 12-month period,
12 and any additional violation within a 12-month period, a
13 fine of no more than \$500.

14 A retail mercantile establishment shall not be fined in
15 excess of \$5000 per year for violations under this Section.

16 Section 99. Effective date. This Act takes effect January
17 1, 2024."