

AN ACT concerning business.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

Sec. 1. As used in this Act:

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

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

"Advertise" or "Advertising" means a notice in a newspaper, magazine, pamphlet or flyer; an announcement on television, cable television, or radio; and any other method of communicating to the public.

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

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

association, or other entity.

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

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

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

(815 ILCS 408/3.5 new)

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

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

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

(2) by paper or electronic receipt;

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

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

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

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

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

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

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

retail mercantile establishment shall not be liable under this Section.

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

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

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

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

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

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

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

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

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

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