

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 116**      Session of  
2023

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INTRODUCED BY CIRESI, DELLOSO, JAMES, GREEN, PROBST, HILL-EVANS,  
McNEILL, GUENST, SCHLEGEL CULVER, HOHENSTEIN, SCOTT, HARKINS,  
KINSEY, SANCHEZ, MADDEN, BURGOS, PIELLI, WARREN, HOWARD,  
FIEDLER, D. WILLIAMS, B. MILLER, OTTEN, CERRATO, O'MARA,  
TAKAC, PISCIOTTANO, MADSEN, BOROWSKI, WEBSTER AND KHAN,  
MARCH 7, 2023

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 9, 2024

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## AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),  
2 entitled "An act prohibiting unfair methods of competition  
3 and unfair or deceptive acts or practices in the conduct of  
4 any trade or commerce, giving the Attorney General and  
5 District Attorneys certain powers and duties and providing  
6 penalties," providing for unlawful retention policy.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The act of December 17, 1968 (P.L.1224, No.387),  
10 known as the Unfair Trade Practices and Consumer Protection Law,  
11 is amended by adding a section to read:

12 Section 3.2. Unlawful Retention Policy.--(a) A business  
13 entity that makes automatic renewal offers or continuous service  
14 offers for goods or services to consumers shall do all of the  
15 following:

16 (1) Provide an acknowledgment to a consumer. The  
17 acknowledgment shall disclose the automatic renewal offer terms

1 or continuous service offer terms, the cancellation policy and  
2 information regarding how to cancel the goods or services in a  
3 manner that is capable of being retained by the consumer. If the  
4 automatic renewal offer or continuous service offer includes a  
5 free gift or trial, the acknowledgment shall include a clear and  
6 conspicuous explanation of the price that will be charged after  
7 the trial ends or the manner in which the pricing will change  
8 upon conclusion of the trial, disclose how to cancel the goods  
9 or services, provide the deadline by which the consumer must act  
10 to stop or prevent charges and allow the consumer to cancel the  
11 goods or services before the consumer pays for the goods or  
12 services.

13 (2) Disclose the automatic renewal offer or continuous  
14 service offer to a consumer in a contract or a contract offer in  
15 a clear and conspicuous manner, with a font size at least equal <--  
16 to the font size of the surrounding text and in bold face type.

17 (3) Allow a consumer who accepts the automatic renewal offer  
18 or a continuous service offer ~~over the Internet~~ ONLINE to <--  
19 terminate the acceptance of the goods or services exclusively  
20 ~~over the Internet~~ ONLINE. A business entity may allow a consumer <--  
21 WHO ACCEPTED AN AUTOMATIC RENEWAL OR CONTINUOUS SERVICE OFFER to <--  
22 terminate the automatic renewal offer or continuous service  
23 offer under this clause by electronic mail formatted and  
24 provided by the business entity without ~~requiring the consumer~~ <--  
25 ~~to provide additional information.~~ ADDITIONAL INFORMATION, OR <--  
26 THROUGH A LINK TO A WEBSITE OR OTHER ONLINE SERVICE THE CONSUMER  
27 CAN USE TO CANCEL.

28 (4) In the case of a material change in the terms of the  
29 automatic renewal offer or continuous service offer, provide a  
30 consumer with a clear and conspicuous notice of the material

1 change and information regarding how to cancel the goods or  
2 services in a manner that is capable of being retained by the  
3 consumer.

4 (5) Not intentionally misrepresent the terms of the  
5 automatic renewal offer or continuous service offer or any  
6 material fact related to the underlying good or service.

7 (b) This section shall not apply to any of the following:

8 (1) A business entity that is subject to the act of December  
9 21, 1989 (P.L.672, No.87), known as the "Health Club Act."

10 (2) A service provided by a business entity or its affiliate  
11 for which the business entity or its affiliate is regulated by  
12 the Federal Communications Commission, Federal Energy Regulatory  
13 Commission or Pennsylvania Public Utility Commission.

14 (3) A contract subject to 66 Pa.C.S. Ch. 22 (relating to  
15 natural gas competition) or 28 (relating to restructuring of  
16 electric utility industry).

17 (c) A violation of this section shall constitute unfair  
18 methods of competition and unfair or deceptive acts or practices  
19 and shall be subject to the enforcement provisions and private  
20 rights of action specified in this act.

21 ~~(d) As used in this section, the term "consumer" means an~~ <--  
22 ~~individual who obtains or has obtained goods or services for use~~  
23 ~~primarily for personal, family or household purposes.~~

24 (D) AS USED IN THIS SECTION: <--

25 "CLEAR AND CONSPICUOUS" MEANS, IN REFERENCE TO TEXT, TYPE  
26 LARGER THAN THE SURROUNDING TEXT, OR IN CONTRASTING TYPE, FONT,  
27 OR COLOR TO THE SURROUNDING TEXT OF THE SAME SIZE, OR SET OFF  
28 FROM THE SURROUNDING TEXT OF THE SAME SIZE BY SYMBOLS OR OTHER  
29 MARKS, IN A MANNER THAT CLEARLY CALLS ATTENTION TO THE LANGUAGE.

30 "CONSUMER" MEANS AN INDIVIDUAL WHO OBTAINS OR HAS OBTAINED

1 GOODS OR SERVICES FOR USE PRIMARILY FOR PERSONAL, FAMILY OR  
2 HOUSEHOLD PURPOSES.

3 Section 2. This act shall take effect in 60 days.