

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 116 Session of 2023

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 AND O'MARA, MARCH 7, 2023

REFERRED TO COMMITTEE ON COMMERCE, MARCH 7, 2023

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
 18 or continuous service offer terms, the cancellation policy and

1 information regarding how to cancel the goods or services in a
2 manner that is capable of being retained by the consumer. If the
3 automatic renewal offer or continuous service offer includes a
4 free gift or trial, the acknowledgment shall disclose how to
5 cancel the goods or services and allow the consumer to cancel
6 the goods or services before the consumer pays for the goods or
7 services.

8 (2) Disclose the automatic renewal offer or continuous
9 service offer to a consumer in a contract or a contract offer in
10 bold face with a font size equal to the font size of the
11 surrounding text, or a font size of ten points, whichever is
12 greater.

13 (3) Allow a consumer who accepts the automatic renewal offer
14 or a continuous service offer over the Internet to terminate the
15 acceptance of the goods or services exclusively over the
16 Internet. A business entity may allow a consumer to terminate
17 the automatic renewal offer or continuous service offer under
18 this clause by electronic mail formatted and provided by the
19 business entity without requiring the consumer to provide
20 additional information.

21 (4) In the case of a material change in the terms of the
22 automatic renewal offer or continuous service offer, provide a
23 consumer with a clear and conspicuous notice of the material
24 change and information regarding how to cancel the goods or
25 services in a manner that is capable of being retained by the
26 consumer.

27 (b) This section shall not apply to a business entity that
28 is subject to the act of December 21, 1989 (P.L.672, No.87),
29 known as the "Health Club Act."

30 (c) A violation of this section shall constitute unfair

1 methods of competition and unfair or deceptive acts or practices
2 and shall be subject to the enforcement provisions and private
3 rights of action specified in this act.

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