

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend Title 28 of the District of Columbia Official Code to prohibit retail establishments from discriminating against cash as a form of payment, and to provide for enforcement of this requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Cashless Retailers Prohibition Amendment Act of 2020”.

Sec. 2. Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

“54. Cashless Retail Prohibition.”.

(b) Section 28-3904 is amended as follows:

(1) Subsection (ll) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Subsection (mm) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new subsection (nn) is added to read as follows:

“(nn) violate any provision of Chapter 54 of this title.”.

(c) A new Chapter 54 is added to read as follows:

“CHAPTER 54. CASHLESS RETAIL PROHIBITION

“28-5401. Definitions.

“28-5402. Prohibited practices.

“28-5403. Civil penalties.

“28-5404. Exceptions.

“§ 28-5401. Definitions.

“For purposes of this chapter:

(1) “Retailer” means a person holding a basic business license who is engaged in retail sales.

(2) “Retail sales” means the sale of any tangible personal property or service to an ultimate consumer.

“§ 28-5402. Prohibited practices.

“A retailer shall not discriminate against cash as a form of payment for goods or services, including by:

“(1) Refusing to accept cash as a form of payment;

“(2) Posting signs on the premises that cash payment is not accepted; or

“(3) Charging a higher price to consumers who pay cash.

“§ 28-5403. Civil penalties.

“Failure to comply with the requirements of this chapter shall be an unlawful trade practice under § 28-3904.

“§ 28-5404. Exceptions.

“The provisions of this chapter shall not apply:

“(1) To retail sales made via mail, phone, or internet;

“(2) To parking facilities that do not already accept cash as a form of payment as of December 1, 2020;

“(3) To a food store or retail establishment that provides a device on premises that converts cash, without charging a fee or requiring a minimum deposit amount greater than 5 dollars, into a prepaid card (“cash-to-card device”) that allows a consumer to complete a transaction at the food store or retail establishment; provided, that:

“(A) Upon request, the cash-to-card device shall provide each consumer with a receipt indicating the amount of cash deposited onto the prepaid card;

“(B) The prepaid card shall not be subject to an expiration date and there shall be no limit on the number of transactions that may be completed on the card; and

“(C) In the event that the cash-to-card device malfunctions, the food store or retail establishment where the cash-to-card device is located shall accept payment in cash from consumers during the time period in which the cash-to-card device does not function, in accordance with this chapter; or

“(C) In the event that the cash-to-card device malfunctions, the food store or retail establishment where the cash-to-card device is located shall accept, in accordance with this chapter, payment in cash from consumers during the time period in which the cash-to-card device does not function; or

“(4) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 5. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia