

2024 -- H 7939

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
UNFAIR SALES PRACTICES

Introduced By: Representative Alex D. Marszalkowski

Date Introduced: March 05, 2024

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 6-13 of the General Laws entitled "Unfair Sales Practices" is hereby
2 amended by adding thereto the following section:

3 **6-13-22. Continuous glucose monitors.**

4 (a) Definition. For purposes of this section, "glucose monitor" means a device designed to
5 be placed upon or into a person for the purpose of monitoring and recording blood glucose (sugar)
6 levels in a person with diabetes mellitus. Said device consists of a sensory unit which monitors
7 glucose levels and transmits readings to another (receiving) device. The receiving unit shows the
8 user current glucose levels as well as past levels and calculates possible levels, warning user of low
9 glucose levels that pose a safety risk to the individual user and also to the general public due to the
10 possibility of the user becoming unconscious.

11 (b) It shall be unlawful for any retailer, to sell within this state, any glucose monitors
12 without having a replacement policy for glucose monitors that fail or are defective and any sensors
13 thereto that provides for an immediate, point of sale replacement or replacement within twenty-
14 four (24) hours at no charge to the consumer for any glucose monitors sold by the retailer.

15 (c) Failure of the glucose monitor shall include the following defects:

16 (1) Failure of the sensor unit to adhere to an individual due to the absence of adhesive;

17 (2) Failure of the sensor to adhere upon placement of the device to the individual;

18 (3) Failure of probe to enter the skin of the person and enter the subcutaneous tissue.

1 rendering the device unable to function;

2 (4) Failure to adhere to the individual under normal operating conditions and under normal
3 daily use and activities within the intended usage time of the sensor unit; and

4 (5) Failure of the device to communicate with a receiver for the following reasons:

5 (i) The sensor claims to have been scanned by another receiving device and will not work
6 with the intended receiver;

7 (ii) The scanner prematurely stops working prior to its intended end of usage time, claiming
8 it has reached its intended usage time but has not;

9 (iii) The electronics malfunction thus rendering the device inoperable, including expired
10 battery; and

11 (iv) The receiving device fails due to electronic malfunction or the inability to be able to
12 recharge the battery.

13 (d) Retailers inventory. Retailers of glucose monitors shall maintain a sufficient inventory
14 of the monitors or have sufficient replacement vendors to enable replacement within twenty-four
15 (24) hours to any customer who has purchased a glucose monitor from the retailer. Any retailer
16 unable to meet the immediate replacement request requirement shall, upon the valid request for
17 replacement of a defective glucose monitor:

18 (1) Obtain a replacement within twenty-four (24) hours of the request by the consumer;

19 (2) Arrange for the delivery of a replacement glucose monitor to the consumer within
20 twenty-four (24) hours; or

21 (3) Inform and direct the customers to a location where a replacement glucose monitor may
22 be obtained with the cost of the monitor being the responsibility of the retailer who sold the
23 defective glucose monitor.

24 (e) Notice. All retailers of glucose monitors shall display at the point of sale location a copy
25 of this section of law and a sign explaining the customer's rights to a replacement glucose monitor
26 pursuant to this section and the contact information for the customer protection division of the
27 attorney general's office.

28 (f) Reporting. Retailers affected by the provisions of this section shall annually report to
29 the department of health:

30 (1) The total number of glucose monitoring devices returned to their store;

31 (2) The total number of glucose monitoring devices returned by the retailer to the
32 manufacturers;

33 (3) The number of replacement glucose monitors provided by the manufacturer; and

34 (4) The total amount of time spent replacing the glucose monitors.

- 1 (g) Exemptions. The provisions of the section shall not apply to:
2 (1) Any device that receives signals including, but not limited to, cell phones; and
3 (2) Any damage to a glucose monitor caused by misuse or mistreatment.
4 (h) Penalties. Any person who violates the provisions of this section shall be guilty of a
5 misdemeanor and shall pay a fine of five hundred dollars (\$500).

6 SECTION 2. This act shall take effect on January 1, 2025.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
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- 1 This act would require retailers of glucose monitors to provide a free, point of sale
- 2 replacement for any broken or defective monitor within twenty-four (24) hours of the request.
- 3 This act would take effect on January 1, 2025.

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