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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

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

Introduced By: Senators Gu, Ciccone, DiPalma, Murray, LaMountain, Britto, Bissaillon,
Sosnowski, Mack, and Kallman

Date Introduced: March 14, 2025

Referred To: Senate Commerce

(Lieutenant Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-13-1 of the General Laws in Chapter 6-13 entitled "Unfair Sales
2 Practices" is hereby amended to read as follows:

3 **6-13-1. Definitions.**

4 (a) "Cost to the retailer" means the invoice cost of the merchandise to the retailer within
5 thirty (30) days prior to the date of the sale, or the replacement cost of the merchandise to the
6 retailer within thirty (30) days prior to the date of the sale, in the quantity last purchased, whichever
7 is lower; less all trade discounts except customary discounts for cash; to which shall be added:

8 (1) Freight charges not otherwise included in the cost of the merchandise;

9 (2) Cartage to the retail outlet if performed or paid for by the retailer, which cartage cost
10 shall be deemed to be three-fourths of one percent (0.75%) of the cost of the merchandise to the
11 retailer, unless the retailer claims and proves a lower cartage cost; and

12 (3) A markup to cover in part the cost of doing business, which markup, in the absence of
13 proof of a lesser cost, shall be six percent (6%) of the total cost at the retail outlet.

14 (b) "Cost to the wholesaler" means the invoice cost of the merchandise to the wholesaler
15 within thirty (30) days prior to the date of the sale, or the replacement cost of the merchandise to
16 the wholesaler within thirty (30) days prior to the date of the sale, in the quantity last purchased,
17 whichever is lower; less all trade discounts except customary discounts for cash; to which shall be
18 added:

- 1 (1) Freight charges not otherwise included in the cost of the merchandise;
- 2 (2) Cartage to the retail outlet if performed or paid for by the wholesaler, which cartage
3 cost shall be deemed to be three-fourths of one percent (0.75%) of the cost of the merchandise to
4 the wholesaler, unless the wholesaler claims and proves a lower cartage cost; and
- 5 (3) A markup to cover in part the cost of doing business, which markup, in the absence of
6 proof of a lesser cost, shall be two percent (2%) of the total cost at the wholesale establishment.
- 7 (c) Where two (2) or more items are advertised; offered for sale; or sold at a combined
8 price; the price of each item shall be determined in the manner stated in subsections (a) and (b).
- 9 (d) "Sell at retail", "sales at retail", and "retail sale" mean and include any transfer of title
10 to tangible personal property for a valuable consideration made in the ordinary course of trade or
11 in the usual prosecution of the seller's business to the purchaser for consumption or use other than
12 resale or further processing or manufacturing. In this and in the preceding subsection the previous
13 terms shall include any transfer of property where title is retained by the seller as security for the
14 payment of the purchase price.
- 15 (e) "Retailer" means and includes every person, co-partnership, corporation, or association
16 engaged in the business of making sales at retail within this state; provided, that, in the case of a
17 retailer engaged in the business of making sales both at retail and at wholesale, the term shall be
18 applied only to the retail portion of the business.
- 19 (f) "Wholesaler" means and includes every person, partnership, corporation, or association
20 engaged in the business of making sales at wholesale within this state; provided, that, in the case
21 of a wholesaler engaged in the business of making sales both at wholesale and at retail, the term
22 shall be applied only to the wholesale portion of the business.
- 23 (g) Whenever any person, partnership, corporation, or association in the course of doing
24 business performs the functions of both wholesaler and retailer without actually being engaged in
25 the business of making sales at wholesale, the term "wholesaler" means and includes that function
26 of the business of preparation for sale at the retail outlet, and the term "retailer" shall be applied
27 only to the retail portion of the business.
- 28 (h) "Household" means and includes those who dwell under the same roof, house, or
29 apartment.
- 30 (i) "Rebate" means a refund of a portion of the purchase price made to consumer to induce
31 purchase of product.
- 32 (j) "Digital coupon" means any store coupon, rebate, or similar instrument presented solely
33 through the Internet, and only obtainable through a consumer's personal computing device, and that
34 provides to a consumer a discounted price or benefit, redeemable at the physical location where the

1 [goods or services are being offered for sale.](#)

2 SECTION 2. Section 6-13-11 of the General Laws in Chapter 6-13 entitled "Unfair Sales
3 Practices" is hereby amended to read as follows:

4 **6-13-11. Discount price advertisement.**

5 [\(a\)](#) It shall be unlawful to use, communicate, or publish any advertisement that states that
6 an item or product is being sold or offered for sale at below the regular price or at a percentage off
7 the regular price without posting the regular price at the point of purchase.

8 [\(b\)](#) Whenever an item or product is advertised for sale at below the regular price or at a
9 percentage off the regular price, the advertisement shall clearly state whether there is an additional
10 charge for equipment or services that are reasonably necessary for the proper use of the product.

11 [\(c\)](#) Whenever food and related items, as defined in § 44-18-7.1, are advertised by a retailer
12 for sale at or below the regular price or at a percentage off the regular price through the redemption
13 of a digital coupon, the retailers shall provide a purchaser with the ability to obtain the same
14 discounted price or other benefit offered by the digital coupon through an alternative method not
15 requiring the use of a personal computing device. Such alternative methods may include, but are
16 not limited to, paper coupons, electronic kiosks, or application of the discounted price or benefit at
17 the point-of-sale upon the request of the consumer. Such in-store alternatives shall be readily
18 available and easily accessible to the consumer, and in the case of electronic kiosks, be prominently
19 displayed in the store.

20 [\(d\)](#) Any person, firm, or corporation who or that shall violate the provisions of this section
21 shall be punished by a fine of not more than five hundred dollars (\$500).

22 [\(e\)](#) Severability. If any portion of this section is found by a court of competent jurisdiction
23 to be unlawful, such finding shall not affect any other portion of said section not specifically so
24 found.

25 SECTION 3. This act shall take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would provide that stores offering food product discounts must provide the same
- 2 discounts to in store customers that are offered to customers using electronic digital coupons.
- 3 This act would take effect on January 1, 2026.

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