

**2026 -- S 2428**

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**S T A T E   O F   R H O D E   I S L A N D**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N   A C T**

**RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --  
DECEPTIVE TRADE PRACTICES**

Introduced By: Senators Euer, Quezada, Appollonio, Famiglietti, Lauria, Lawson,  
Patalano, McKenney, Kallman, and Paolino

Date Introduced: February 06, 2026

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1        SECTION 1. Section 6-13.1-1 of the General Laws in Chapter 6-13.1 entitled "Deceptive  
2        Trade Practices" is hereby amended to read as follows:

3        **6-13.1-1. Definitions. [Effective January 1, 2026; Effective until March 31, 2026.]**

4        As used in this chapter:

5        (1) "Algorithm" means a computational automated process that uses a set of rules to define  
6        a sequence of operations.

7        (2) "Consumer" means a natural person who is seeking or solicited to purchase, lease or  
8        receive a good or service for personal, family or household use.

9        (3) "Documentary material" means the original or a copy of any book, record, report,  
10      memorandum, paper, communication, tabulation, map, chart, photograph, mechanical  
11      transcription, or other tangible document or recording wherever situated.

12        (4) "Examination" of documentary material includes the inspection, study, or copying  
13      of any documentary material, and the taking of testimony under oath or acknowledgment in respect  
14      of any documentary material or copy of any documentary material.

15        (5) "Person" means natural persons, corporations, trusts, partnerships, incorporated or  
16      unincorporated associations, and any other legal entity.

17        (6) "Price" means the amount charged to a consumer in relation to a transaction, including  
18      all related costs and fees, and any other material terms of such transaction that has a direct bearing

1        [on the amount paid by the consumer or the value of the good or service to the consumer.](#)

2                [\(4\)\(7\)](#) “Rebate” means the return of a payment or a partial payment that serves as a discount  
3        or reduction in price.

4                [\(5\)\(8\)](#) “Trade” and “commerce” mean the advertising, offering for sale, sale, or distribution  
5        of any services and any property, tangible or intangible, real, personal, or mixed, and any other  
6        article, commodity, or thing of value wherever situate, and include any trade or commerce directly  
7        or indirectly affecting the people of this state.

8                [\(6\)\(9\)](#) “Unfair methods of competition and unfair or deceptive acts or practices” means any  
9        one or more of the following:

10                (i) Passing off goods or services as those of another;  
11                (ii) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship,  
12        approval, or certification of goods or services;  
13                (iii) Causing likelihood of confusion or of misunderstanding as to affiliation, connection,  
14        or association with, or certification by, another;  
15                (iv) Using deceptive representations or designations of geographic origin in connection  
16        with goods or services;

17                (v) Representing that goods or services have sponsorship, approval, characteristics,  
18        ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship,  
19        approval, status, affiliation, or connection that he or she does not have;

20                (vi) Representing that goods are original or new if they are deteriorated, altered,  
21        reconditioned, reclaimed, used, or secondhand; and if household goods have been repaired or  
22        reconditioned, without conspicuously noting the defect that necessitated the repair on the tag that  
23        contains the cost to the consumer of the goods;

24                (vii) Representing that goods or services are of a particular standard, quality, or grade, or  
25        that goods are of a particular style or model, if they are of another;

26                (viii) Disparaging the goods, services, or business of another by false or misleading  
27        representation of fact;

28                (ix) Advertising goods or services with intent not to sell them as advertised;

29                (x) Advertising goods or services with intent not to supply reasonably expectable public  
30        demand, unless the advertisement discloses a limitation of quantity;

31                (xi) Making false or misleading statements of fact concerning the reasons for, existence of,  
32        or amounts of price reductions;

33                (xii) Engaging in any other conduct that similarly creates a likelihood of confusion or of  
34        misunderstanding;

22 (xxi) Advertising, displaying, or offering a price for live-event tickets or short-term lodging  
23 in violation of 16 C.F.R. Part 464; or

24 (xxii) Employing a pricing practice in violation of § 6-13.1-31.

25 6-13.1-1. Definitions. [Effective March 31, 2026.]

26 As used in this chapter:

27                   (1) “Algorithm” means a computational automated process that uses a set of rules to define  
28                   a sequence of operations.

29 (2) "Consumer" means a natural person who is seeking or solicited to purchase, lease or  
30 receive a good or service for personal, family or household use.

31           ④③ “Documentary material” means the original or a copy of any book, record, report,  
32       memorandum, paper, communication, tabulation, map, chart, photograph, mechanical  
33       transcription, or other tangible document or recording wherever situated.

34 (2)(4) "Examination" of documentary material includes the inspection, study, or copying

1 of any documentary material, and the taking of testimony under oath or acknowledgment in respect  
2 of any documentary material or copy of any documentary material.

3 ~~(3)(5)~~ “Person” means natural persons, corporations, trusts, partnerships, incorporated or  
4 unincorporated associations, and any other legal entity.

5 (6) “Price” means the amount charged to a consumer in relation to a transaction, including  
6 all related costs and fees, and any other material terms of such transaction that has a direct bearing  
7 on the amount paid by the consumer or the value of the good or service to the consumer.

8 ~~(4)(7)~~ “Rebate” means the return of a payment or a partial payment that serves as a discount  
9 or reduction in price.

10 ~~(5)(8)~~ “Trade” and “commerce” mean the advertising, offering for sale, sale, or distribution  
11 of any services and any property, tangible or intangible, real, personal, or mixed, and any other  
12 article, commodity, or thing of value wherever situate, and include any trade or commerce directly  
13 or indirectly affecting the people of this state.

14 ~~(6)(9)~~ “Unfair methods of competition and unfair or deceptive acts or practices” means any  
15 one or more of the following:

16 (i) Passing off goods or services as those of another;

17 (ii) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship,  
18 approval, or certification of goods or services;

19 (iii) Causing likelihood of confusion or of misunderstanding as to affiliation, connection,  
20 or association with, or certification by, another;

21 (iv) Using deceptive representations or designations of geographic origin in connection  
22 with goods or services;

23 (v) Representing that goods or services have sponsorship, approval, characteristics,  
24 ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship,  
25 approval, status, affiliation, or connection that the person does not have;

26 (vi) Representing that goods are original or new if they are deteriorated, altered,  
27 reconditioned, reclaimed, used, or secondhand; and if household goods have been repaired or  
28 reconditioned, without conspicuously noting the defect that necessitated the repair on the tag that  
29 contains the cost to the consumer of the goods;

30 (vii) Representing that goods or services are of a particular standard, quality, or grade, or  
31 that goods are of a particular style or model, if they are of another;

32 (viii) Disparaging the goods, services, or business of another by false or misleading  
33 representation of fact;

34 (ix) Advertising goods or services with intent not to sell them as advertised;



1           **6-13.1-31. Dynamic and surveillance pricing prohibited.**

2           (a) As used in this section:

3           (1) “Dynamic pricing” means a pricing practice in which the price of a product or service

4           is adjusted in real time or near real time based on any of the following factors:

5           (i) Consumer demand;

6           (ii) Time of purchase, delivery, or use;

7           (iii) Weather conditions;

8           (iv) Traffic, event, location, or other external conditions not specific to the individual

9           consumer; or

10           (v) Automated algorithmic analysis of data that results in non-uniform price changes  
11           among consumers seeking the same product or service.

12           (2) “Person” shall be defined pursuant to § 6-13.1-1.

13           (3) “Surveillance pricing” means any adjustment of a price for a good or service that is

14           directly based on personal data collected or maintained about an individual consumer or household  
15           including, but not limited to:

16           (i) Geolocation data;

17           (ii) Personal characteristics including, but not limited to:

18           (A) Any unique biological, physical, or behavioral patterns or characteristics;

19           (B) Biometric identifiers including facial map, facial geometry, facial template, voice  
20           prints, gait, or fingerprints;

21           (C) Genetic information;

22           (D) Individual qualities, features, attributes, or traits including, but not limited to,  
23           immutable characteristics including, but not limited to, race and eye color;

24           (E) Mutable characteristics including, but not limited to, mailing address, weight,  
25           citizenship, or parental status; and

26           (F) Any other personally identifiable information that could be used to discern a specific  
27           consumer’s identity including, but not limited to, social security number, full name, or telephone  
28           number.

29           (iii) IP address or browsing, search, or purchase history linked to a specific consumer; or

30           (iv) Data derived from cameras, sensors, or tracking devices that identifies or could  
31           reasonably be used to identify a specific consumer.

32           (b) It shall be an unfair or deceptive act or practice, prohibited under this chapter and  
33           subject to enforcement under §§ 6-13.1-5 and 6-13.1-8, for any person to:

34           (1) Employ dynamic pricing as defined in subsection (a)(1) of this section in the sale of

1       any product or service to consumers in Rhode Island; or

2            (2) Employ surveillance pricing as defined in subsection (a)(3) of this section to establish,

3            alter, or display a price of any product or service to consumers in Rhode Island.

4            (c) This section shall not be construed to prohibit:

5            (1) Ordinary discounts, rebates, or loyalty programs that do not rely on surveillance pricing;

6        or

7            (2) Price differences based on legitimately documented cost differentials including, but not

8        limited to, wholesale versus retail pricing or different service levels; provided that, such pricing is

9        not based on personal data as defined by subsection (a)(3) of this section about a specific consumer.

10          (d) Any consumer injured by a violation of this section may bring a private civil action to

11        recover actual damages or liquidated damages as determined by the court, attorney's fees, and/or

12        equitable relief.

13          (e) The attorney general may enforce this section pursuant to the powers granted in § 6-

14        13.1-5, including seeking injunctive relief, civil penalties, and restitution for consumers.

15          (f) If any provision of this section or its application to any person or transaction is held

16        invalid, the remainder of the section and the application of its provisions to other persons or

17        transactions shall not be affected.

18        SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --  
DECEPTIVE TRADE PRACTICES

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- 1        This act would prohibit any person from employing dynamic or surveillance pricing
- 2        practices in the sale of goods or services to consumers in Rhode Island and would authorize
- 3        consumers damaged by a violation of the section to bring a civil action for the recovery of damages,
- 4        attorney's fees and/or equitable relief.
- 5        This act would take effect upon passage.

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