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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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 ~~(1)~~(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 ~~(2)~~(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 ~~(3)~~(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;

- 1 (xiii) Engaging in any act or practice that is unfair or deceptive to the consumer;
- 2 (xiv) Using any other methods, acts, or practices that mislead or deceive members of the
- 3 public in a material respect;
- 4 (xv) Advertising any brand name goods for sale and then selling substituted brand names
- 5 in their place;
- 6 (xvi) Failure to include the brand name and/or manufacturer of goods in any advertisement
- 7 of the goods for sale, and, if the goods are used or secondhand, failure to include the information
- 8 in the advertisement;
- 9 (xvii) Advertising claims concerning safety, performance, and comparative price unless
- 10 the advertiser, upon request by any person, the consumer council, or the attorney general, makes
- 11 available documentation substantiating the validity of the claim;
- 12 (xviii) Representing that work has been performed on or parts replaced in goods when the
- 13 work was not in fact performed or the parts not in fact replaced;
- 14 (xix) Failing to separately state the amount charged for labor and the amount charged for
- 15 services when requested by the purchaser as provided for in § 44-18-12(b)(3);
- 16 (xx) Advertising for sale at a retail establishment the availability of a manufacturer's rebate
- 17 by displaying the net price of the advertised item (the price of the item after the rebate has been
- 18 deducted from the item's price) in the advertisement, unless the amount of the manufacturer's
- 19 rebate is provided to the consumer by the retailer at the time of the purchase of the advertised item.
- 20 It shall be the retailer's burden to redeem the rebate offered to the consumer by the manufacturer;
- 21 ~~or~~
- 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 ~~(4)~~[\(3\)](#) "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 (x) Advertising goods or services with intent not to supply reasonably expectable public
2 demand, unless the advertisement discloses a limitation of quantity;
- 3 (xi) Making false or misleading statements of fact concerning the reasons for, existence of,
4 or amounts of price reductions;
- 5 (xii) Engaging in any other conduct that similarly creates a likelihood of confusion or of
6 misunderstanding;
- 7 (xiii) Engaging in any act or practice that is unfair or deceptive to the consumer;
- 8 (xiv) Using any other methods, acts, or practices that mislead or deceive members of the
9 public in a material respect;
- 10 (xv) Advertising any brand name goods for sale and then selling substituted brand names
11 in their place;
- 12 (xvi) Failure to include the brand name and/or manufacturer of goods in any advertisement
13 of the goods for sale, and, if the goods are used or secondhand, failure to include the information
14 in the advertisement;
- 15 (xvii) Advertising claims concerning safety, performance, and comparative price unless
16 the advertiser, upon request by any person, the consumer council, or the attorney general, makes
17 available documentation substantiating the validity of the claim;
- 18 (xviii) Representing that work has been performed on or parts replaced in goods when the
19 work was not in fact performed or the parts not in fact replaced;
- 20 (xix) Failing to separately state the amount charged for labor and the amount charged for
21 services when requested by the purchaser as provided for in § 44-18-12(b)(3);
- 22 (xx) Advertising for sale at a retail establishment the availability of a manufacturer's rebate
23 by displaying the net price of the advertised item (the price of the item after the rebate has been
24 deducted from the item's price) in the advertisement, unless the amount of the manufacturer's
25 rebate is provided to the consumer by the retailer at the time of the purchase of the advertised item.
26 It shall be the retailer's burden to redeem the rebate offered to the consumer by the manufacturer;
- 27 (xxi) Advertising, displaying, or offering a price for live-event tickets or short-term lodging
28 in violation of 16 C.F.R. Part 464; ~~or~~
- 29 (xxii) Engaging in any act or practice that is unfair or deceptive by a person advising or
30 assisting any veteran filing a claim for disability benefits with the Department of Veterans Affairs;
31 or
- 32 (xxiii) Employing a pricing practice in violation of § 6-13.1-31.

33 SECTION 2. Chapter 6-13.1 of the General Laws entitled "Deceptive Trade Practices" is
34 hereby amended by adding thereto the following section:

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

- 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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