



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5795

by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2WWW new

Amends the Consumer Fraud and Deceptive Business Practices Act concerning price gouging. Provides that it is an unfair or deceptive act or practice for any person, contractor, business, or other entity to sell or offer to sell, either in person, through an intermediary, or online, consumer food items or goods, goods or services used for emergency cleanup, emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services, during the period of a disaster declared by either the President of the United States or the Governor of the State of Illinois, and for a period of 45 days following the end of the disaster period, for an amount that represents an unconscionably high price. Sets forth criteria for determining whether a price is unconscionably high. Effective immediately.

LRB101 21395 JLS 72026 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2WWW as follows:

6 (815 ILCS 505/2WWW new)

7 Sec. 2WWW. Price gouging during a disaster.

8 (a) It is an unfair or deceptive act or practice, within
9 the meaning of Section 2 of this Act, during any declared
10 disaster by the President of the United States or the Governor
11 of the State of Illinois and for a period of 45 days following
12 that declaration, for any person, contractor, business, or
13 other entity, including any manufacturer, supplier,
14 wholesaler, distributor or retailer, to sell or offer to sell
15 within the disaster area, either in person, through an
16 intermediary, or online, any consumer food items or goods,
17 goods or services used for emergency cleanup or response,
18 emergency supplies, medical supplies, home heating oil,
19 building materials, housing, transportation, freight, and
20 storage services for an amount that represents an
21 unconscionably high price.

22 (b) For the purposes of this Section, a price is
23 unconscionably high if:

1 (1) the amount charged represents a gross disparity
2 between the price of the good or service and: (A) the price
3 at which the same good or service was sold or offered for
4 sale in the usual course of business immediately prior to
5 the declaration of the disaster; (B) if the person,
6 contractor, business, or other entity did not sell or offer
7 for sale such goods or services immediately prior to
8 declaration of the disaster, the price at which similar
9 goods or services were offered for sale or sold by a
10 similarly situated person, contractor, business, or entity
11 in the usual course of business immediately prior to the
12 declaration of the disaster; or (C) the price at which the
13 same or similar good or service is readily obtainable by
14 other buyers in the disaster area; and

15 (2) the disparity is not directly attributable to
16 increased prices charged by the related business
17 suppliers, additional costs for labor or materials to
18 provide the good or service, or other increased costs not
19 within the control of the person, contractor, business, or
20 entity.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.