

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 2HHHH as follows:

6 (815 ILCS 505/2HHHH new)

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

8 (a) As used in this Section:

9 "Building materials" means lumber, construction tools,
10 windows, and anything else used in the building or rebuilding
11 of property.

12 "Consumer food item or good" means any article that is
13 used or intended for use as food, drink, confection, or
14 condiment by a person or animal.

15 "Emergency supplies" includes, but is not limited to,
16 water, flashlights, radios, batteries, candles, blankets,
17 soaps, diapers, temporary shelters, tape, toiletries, plywood,
18 nails, and hammers.

19 "Goods" means tangible chattels bought for use primarily
20 for personal, family, or household purposes.

21 "Medical supplies" includes, but is not limited to,
22 prescription and nonprescription medications, bandages, gauze,
23 isopropyl alcohol, masks, and antibacterial products.

1 "Repair or reconstruction services" means services
2 performed by any person for repairs to residential or
3 commercial property, of any type, that is damaged as a result
4 of a disaster.

5 "Transportation, freight, or storage services" means
6 services performed by any company that contracts to move,
7 store, or transport personal or business property or that
8 rents equipment for those purposes, including towing services.

9 (b) It is an unlawful practice within the meaning of this
10 Act, for a period of 45 days after a disaster is declared by
11 the President of the United States or the Governor or during
12 the continuation period of the disaster if the period is
13 extended by the President of the United States or the
14 Governor, for any person to sell or offer to sell to a
15 consumer, for an unconscionably high price, in the designated
16 disaster area any consumer food items or goods; goods or
17 services used for emergency cleanup or response; emergency
18 supplies; medical supplies; cleaning supplies; building
19 materials; housing; lodging; transportation, freight, or
20 storage services; repair or reconstruction services; or any
21 other necessity.

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

24 (1) the amount charged represents a gross disparity
25 between the price of the good or service; and

26 (A) the price at which the same good or service was

1 sold or offered for sale by the person in the usual
2 course of business immediately before the disaster
3 declaration; or

4 (B) if the person did not sell or offer for sale
5 the goods or services immediately before the disaster
6 declaration, the price at which similar goods or
7 services were offered for sale or sold by a similarly
8 situated person in the usual course of business
9 immediately before the disaster declaration; and

10 (2) the disparity is not directly attributable to
11 increased prices charged by suppliers, additional costs
12 for labor or materials to provide the good or service, or
13 other increased costs not within the control of the
14 person.

15 (d) For purposes of this Section, a price is not
16 unconscionably high if:

17 (1) the increase in price is directly attributable to
18 additional costs imposed on the person by the supplier of
19 the goods or directly attributable to additional costs for
20 labor or materials used to provide the services during the
21 declared disaster; or

22 (2) if a good or service was offered at a reduced price
23 by the person before the declared disaster, the price is
24 the same as the price the person normally charges for the
25 good or service.

26 (e) There is a rebuttable presumption that a price

1 increase of 20% or more constitutes an unconscionably high
2 price if it is not attributable to additional costs imposed on
3 the person by the supplier of the goods or directly
4 attributable to additional costs for labor or materials used
5 to provide the services during the declared disaster.

6 (f) This Section does not apply to the sale of petroleum
7 products as defined in 14 Ill. Adm. Code 465.