

# SB2822



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2822

Introduced 1/13/2026, by Sen. Steve Stadelman

### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2MMMM new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice for a seller of a digital good to offer for sale or advertise a digital good to a consumer using the terms "buy" or "purchase" or any other term that a reasonable person would understand to confer an unrestricted ownership interest in that digital good unless specified disclosures are made by the seller. Sets forth exemptions to the provision.

LRB104 16965 SPS 30379 b

A BILL FOR

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 2MMMM as follows:

6 (815 ILCS 505/2MMMM new)

7 Sec. 2MMMM. Digital purchase disclosures.

8 (a) As used in this Section:

9 "Blockchain-based asset" means a digital good whose  
10 ownership and access are verified through a decentralized  
11 ledger technology and that cannot be unilaterally revoked or  
12 altered by the seller after the transaction.

13 "Clear and conspicuous" means in a manner that clearly  
14 calls attention to the language. "Clear and conspicuous"  
15 includes using larger type than the surrounding text, using  
16 contrasting type, font, or color to the surrounding text of  
17 the same size, and setting off the surrounding text by using  
18 symbols or other marks.

19 "Digital application or game" means an application or game  
20 that a person accesses and manipulates using a specialized  
21 electronic gaming device, computer, mobile device, tablet, or  
22 other device with a display screen, including any add-ons or  
23 additional content for that application or game.

1       "Digital audio work" means a work that results from the  
2 fixation of a series of musical, spoken, or other sounds that  
3 are transferred electronically, including prerecorded or live  
4 songs, music, oral readings of books or other written  
5 materials, speeches, ringtones, and other sound recordings.

6       "Digital audiovisual work" means a series of related  
7 images and accompanying sounds that when shown in succession  
8 impart an impression of motion, including motion pictures,  
9 musicals, videos, news and entertainment programs, and live  
10 events.

11       "Digital book" means a work that is generally recognized  
12 in the ordinary and usual sense as a book of fiction or  
13 nonfiction and that is transferred electronically.

14       "Digital code" means a code that provides the person who  
15 holds the code a right to obtain an additional digital good or  
16 a digital audiovisual work, digital audio work, or digital  
17 book that may be obtained by any means, including tangible  
18 forms and electronic mail, regardless of whether the code is  
19 designated as song code, video code, or book code. "Digital  
20 code" includes: (i) codes that are used to access or obtain any  
21 specified digital goods or any additional digital goods that  
22 have been previously purchased; and (ii) promotion cards or  
23 codes that are purchased by a retailer or other business  
24 entity for use by the retailer's or entity's customers.

25       "Digital good" includes, whether electronically or  
26 digitally delivered or accessed, a digital audiovisual work,

1 digital audio work, digital book, digital code, or digital  
2 application or game. "Digital good" does not include a cable  
3 television service, satellite relay television service, or any  
4 other distribution of television, video, or radio service.

5 (b) It is an unlawful practice within the meaning of this  
6 Act for a seller of a digital good to offer for sale or  
7 advertise a digital good to a consumer using the terms "buy" or  
8 "purchase" or any other term that a reasonable person would  
9 understand to confer an unrestricted ownership interest in  
10 that digital good unless, either:

11 (1) at the time of each transaction, the seller:

12 (A) provides to the consumer: (i) a complete list  
13 of restrictions and conditions for the license,  
14 including any circumstances under which access may be  
15 revoked; and (ii) notice that the license may be for a  
16 product that was altered from the product's original  
17 version; and

18 (B) receives an affirmative acknowledgment from  
19 the consumer that the consumer received from the  
20 seller: (i) a license to access the digital good; (ii)  
21 a notice that the seller may revoke access to the  
22 license if the consumer violates any of the license  
23 restrictions or conditions; and (iii) a notice that  
24 the seller may unilaterally revoke access to the  
25 digital good if the seller no longer holds the right to  
26 the digital good or the service is shut down or

1           discontinued or on the occurrence of any of the  
2           circumstances that were specified by the seller; or  
3           (2) before executing each transaction, the seller  
4           provides to the consumer a clear and conspicuous statement  
5           that: (i) states in plain language that buying or  
6           purchasing a digital good is a license; and (ii) includes  
7           a hyperlink, quick response code, or other similar method  
8           to access the terms and conditions of the license,  
9           including the complete details about the license and  
10           license revocation policies.

11           Any affirmative acknowledgment from the consumer or clear  
12           and conspicuous statement required under this subsection shall  
13           be distinct and separate from any other terms and conditions  
14           of the transaction. After the transaction is completed, if the  
15           terms of the license change in a way that materially affects  
16           the consumer's access to the digital good, the seller shall  
17           provide notice to the consumer and offer a prorated refund or  
18           alternative access option.

19           (c) This Section does not require a person to download a  
20           digital good or prohibit a person from storing a digital good  
21           on a server for access through the Internet.

22           (d) This Section does not apply to:

23           (1) a subscription-based service that advertises or  
24           offers for sale access to any digital good solely for the  
25           duration of the subscription;

26           (2) a digital good that is advertised or offered to a

1 person without monetary consideration;

2 (3) a digital good that is advertised or offered to a  
3 person and that the seller cannot revoke access to after  
4 the transaction, including making the digital good  
5 available at the time of purchase for permanent offline  
6 download to an external storage source to be used without  
7 a connection to the Internet;

8 (4) a blockchain-based asset, including a non-fungible  
9 token, where ownership is decentralized and not subject to  
10 unilateral revocation by the seller; or

11 (5) an educational or noncommercial digital good that  
12 is provided by a public library, educational institution,  
13 or open-source platform.