
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2186 Session of
2024

INTRODUCED BY CIRESI, HOWARD, MUNROE, CERRATO, SANCHEZ, HILL-
EVANS, KINSEY, JOZWIAK, SHUSTERMAN, HADDOCK, DALEY AND
DELLOSO, APRIL 8, 2024

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, APRIL 8, 2024

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," providing for notice of gift card scams; and
7 imposing penalties.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of December 17, 1968 (P.L.1224, No.387),
11 known as the Unfair Trade Practices and Consumer Protection Law,
12 is amended by adding a section to read:

13 Section 9.5. Notice of Gift Card Scams.--(a) A retailer may
14 not sell a gift card or gift certificate to a purchaser unless
15 the retailer has displayed a notice:

16 (1) warning the purchaser about prepaid gift card scams; and

17 (2) instructing the purchaser on what to do if the purchaser
18 suspects the purchaser might be a potential victim of a gift
19 card scam, including contact information for the bureau or local

1 law enforcement.

2 (b) The retailer shall clearly and conspicuously post the
3 notice required under subsection (a) at or near the physical
4 location where gift cards or gift certificates are displayed for
5 sale and at all points of sale.

6 (c) The bureau shall create a model notice that meets the
7 requirements under subsection (a) and make the notice accessible
8 to retailers on the bureau's publicly accessible Internet
9 website.

10 (d) Retailers shall train all managers and employes engaged
11 in the sale of gift cards or gift certificates on how to
12 identify and respond to gift card fraud. The training shall
13 include:

14 (1) warning signs that a customer is a victim of a gift
15 card-related scam;

16 (2) common types of scams involving gift cards;

17 (3) communication methods for speaking with customers who
18 are exhibiting warning signs of being a victim of gift card
19 scams;

20 (4) to whom suspected gift card scams should be reported;
21 and

22 (5) retailer policies and procedures on handling suspected
23 gift card scams.

24 (e) The bureau shall develop and make available to retailers
25 a model training program for identifying and responding to gift
26 card fraud.

27 (f) This section shall be enforced as follows:

28 (1) For a first violation, the bureau shall contact the
29 retailer via certified mail and inform the retailer that
30 corrective action is required to comply with this section.

1 (2) Within thirty days of receipt of the letter, the
2 retailer shall contact the bureau and document the corrective
3 action taken to comply with this section.

4 (3) If the retailer fails to timely contact the bureau or
5 provide documentation of corrective action or does not comply
6 with this section, the retailer commits a second violation and
7 shall be subject to the penalties under paragraph (4).

8 (4) A retailer that commits a second violation of this
9 section shall be subject to a civil penalty of no more than five
10 hundred dollars (\$500).

11 (5) A retailer that commits a third or subsequent violation
12 of this section shall be subject to a civil penalty of no more
13 than one thousand dollars (\$1,000).

14 (g) As used in this section:

15 "Bureau" means the Bureau of Consumer Protection of the
16 Office of Attorney General.

17 "Gift card" means a plastic card or other electronic payment
18 device that is:

19 (1) usable and honored upon presentation at a single
20 merchant or an affiliated group of merchants that share the same
21 name, mark or logo, or usable at multiple, unaffiliated
22 merchants or service providers for the future purchase or
23 delivery of any goods or services; and

24 (2) issued in a specific prepaid amount regardless of
25 whether it may be increased in value or reloaded.

26 "Gift certificate" means a promise written or printed on
27 paper or a paper product that is:

28 (1) usable and honored upon presentation at a single
29 merchant or an affiliated group of merchants that share the same
30 name, mark or logo, or usable at multiple, unaffiliated

1 merchants or service providers for the future purchase or
2 delivery of any goods or services; and
3 (2) issued in a specific prepaid amount regardless of
4 whether it may be increased in value or reloaded.

5 "Retailer" means a place of business that displays or offers
6 gift cards or gift certificates for sale to the public. This
7 term does not include an establishment that sells gift cards or
8 gift certificates that are valid only at the establishment.

9 Section 2. This act shall take effect in 90 days.