

IN THE SENATE

SENATE BILL NO. 1298

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1  
2 RELATING TO THE CONSUMER PROTECTION ACT; AMENDING CHAPTER 6, TITLE 48, IDAHO  
3 CODE, BY THE ADDITION OF A NEW SECTION 48-603G, IDAHO CODE, TO PROVIDE  
4 FOR CONSUMER PROTECTION FROM UNFAIR OR DECEPTIVE TRADE PRACTICES WITH  
5 RESPECT TO THE CANCELLATION OF SUBSCRIPTIONS; AND DECLARING AN EMER-  
6 GENCY AND PROVIDING AN EFFECTIVE DATE.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 6, Title 48, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 48-603G, Idaho Code, and to read as follows:

11 48-603G. CANCELLATION OF SUBSCRIPTIONS. (1) For purposes of this sec-  
12 tion, unless the context otherwise requires:

13 (a) "Automatic subscription renewal" means an agreement entered into  
14 via the internet to provide goods or services to an Idaho consumer for  
15 a specified time and price that is automatically renewed at the end of  
16 a definite term for a subsequent term unless the consumer cancels the  
17 agreement, including but not limited to agreements for:

18 (i) Online magazines, journals, and periodicals;

19 (ii) Online media services;

20 (iii) Mobile apps;

21 (iv) Social networking services;

22 (v) Internet game services;

23 (vi) Online software;

24 (vii) Gym memberships;

25 (viii) Subscription boxes; or

26 (ix) Subscriptions for other physical goods.

27 (b) "Extended automatic subscription renewal" means an automatic sub-  
28 scription renewal with a specified subscription term, in which the sub-  
29 scription automatically renews for a specified term of more than one (1)  
30 month unless the consumer cancels the subscription.

31 (c) "Internet game service" means an online service that provides  
32 information, software, data, text, photographs, graphics, audio, or  
33 video that may be accessed by a consumer on a paid subscription basis for  
34 the purpose of allowing that consumer to play a single-player or multi-  
35 player game through the internet or to download a game for that consumer  
36 to play offline. "Internet game service" does not include online gam-  
37 bling or other gaming in which a person participates to win money.

38 (d) "Mobile app" means a software application designed to be operated  
39 on a mobile device such as a smartphone.

40 (e) "Online media service" means an online service that delivers audio  
41 or video content.

1 (f) "Online software" means software provided by an online applica-  
2 tion.

3 (g) "Seller" means a person who sells, leases, or offers to sell or  
4 lease automatic subscription renewals or extended automatic subscrip-  
5 tion renewals, but does not include an entity providing only the host  
6 platform on the website of an internet game service.

7 (h) "Social networking service" means an online service that facili-  
8 tates the building of social relations and the sharing of information  
9 among specified groups of people.

10 (i) "Subscription box" means an automatic shipment of food, crafts, or  
11 other physical items.

12 (2) A seller may not make an automatic subscription renewal offer to  
13 a consumer in this state unless the seller clearly and conspicuously dis-  
14 closes:

15 (a) The automatic subscription renewal terms; and

16 (b) The methods that the consumer may use to cancel the subscription.

17 (3) The seller shall provide methods of automatic subscription renewal  
18 cancellation that include free online cancellation of the subscription and  
19 cancellation in the same manner that the consumer used to subscribe. If a  
20 phone number is provided for the purposes of cancellation of the subscrip-  
21 tion, the number must be toll-free and must be prominently displayed in the  
22 disclosure.

23 (4) A seller shall not make an extended automatic subscription renewal  
24 offer to a consumer in this state unless the seller notifies the consumer  
25 of the automatic renewal. Notice must be provided to the consumer at least  
26 thirty (30) days and no more than forty-five (45) days in advance of the date  
27 of the delivery or provision of goods or services. The seller must provide  
28 for the same methods of cancellation as provided for in subsection (3) of  
29 this section. The notice must clearly and conspicuously:

30 (a) Describe the goods or services to be delivered;

31 (b) State the price;

32 (c) Inform the consumer that the goods or services will be provided un-  
33 less the consumer informs the seller that the goods or services are not  
34 wanted; and

35 (d) Provide the consumer with at least two (2) methods of cancellation,  
36 including at least one (1) that shall be provided at no cost to the con-  
37 sumer.

38 (5) A violation of this section shall constitute a violation of the  
39 Idaho consumer protection act.

40 (6) This section applies only to an agreement entered into or renewed  
41 on and after July 1, 2022, under which a seller makes an automatic subscrip-  
42 tion renewal or extended automatic subscription renewal offer to a consumer  
43 in this state.

44 SECTION 2. An emergency existing therefor, which emergency is hereby  
45 declared to exist, this act shall be in full force and effect on and after  
46 July 1, 2022.