

IN THE SENATE

SENATE BILL NO. 1298, As Amended

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

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

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.

18 (b) "Extended automatic subscription renewal" means an automatic  
19 subscription renewal entered into via the internet with a specified  
20 subscription term in which the subscription automatically renews for a  
21 specified term of twelve (12) months or more unless the consumer cancels  
22 the subscription.

23 (c) "Seller" means a person who sells, leases, or offers to sell or  
24 lease automatic subscription renewals or extended automatic subscrip-  
25 tion renewals but does not include an entity providing only a host  
26 platform on a website.

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

30 (a) The automatic subscription renewal terms; and

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

32 (3) The seller shall provide methods of automatic subscription renewal  
33 cancellation that include free online cancellation of the subscription and  
34 cancellation in the same manner that the consumer used to subscribe. If a  
35 phone number is provided for the purposes of cancellation of the subscrip-  
36 tion, the number must be toll-free and must be prominently displayed in the  
37 disclosure.

38 (4) A seller shall not make an extended automatic subscription renewal  
39 offer to a consumer in this state unless the seller notifies the consumer  
40 of the automatic renewal. Notice must be provided to the consumer at least  
41 thirty (30) days and no more than sixty (60) days in advance of the date of the  
42 delivery or provision of goods or services. The seller must provide for the

1 same methods of cancellation as provided for in subsection (3) of this sec-  
2 tion. The notice must clearly and conspicuously:

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

4 (b) State the price;

5 (c) Inform the consumer that the goods or services will be provided un-  
6 less the consumer informs the seller that the goods or services are not  
7 wanted; and

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

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

13 (6) This section applies only to an agreement entered into or renewed on  
14 and after January 1, 2023, under which a seller makes an automatic subscrip-  
15 tion renewal or extended automatic subscription renewal offer to a consumer  
16 in this state.

17 SECTION 2. An emergency existing therefor, which emergency is hereby  
18 declared to exist, this act shall be in full force and effect on and after  
19 January 1, 2023.