



January 20, 2022

HOUSE BILL No. 1321

DIGEST OF HB 1321 (Updated January 19, 2022 8:05 pm - DI 75)

Citations Affected: IC 24-5.

Synopsis: Cash transactions. Requires a merchant that: (1) offers for sale, lease, or rent; or (2) sells, leases, or rents; goods and services to the public for a profit in Indiana to accept cash as payment for such transactions. Provides that a merchant may offer to a customer who is owed change in a cash transaction the option to do either of the following, but may not require the customer to do either of the following: (1) Receive the change in the form of a gift card, gift certificate, or store credit. (2) Donate an amount: (A) equal to part or all of the amount of the change owed; or (B) exceeding the amount of the change owed; to a charity. Provides that the following apply to a merchant that chooses to make one or more of these options available to customers: (1) If a customer does not choose one of these options, the merchant must provide to the customer in cash an amount equal to at least the amount of change owed to the customer, regardless of whether the merchant is able to provide the customer the exact amount of change owed. (2) The merchant must provide certain specified forms of notice informing customers of the options available for receiving change in a cash transaction, including a customer's right to receive in cash at least the amount of change owed. Provides that the provisions do not apply to a sports or entertainment venue if cash is accepted in exchange for a debit card or other cash equivalent point of sale. Provides that the provisions do not apply to a transaction conducted by telephone, through the mail, or over the Internet. Provides that a person that violates any of these requirements: (1) commits a deceptive act that is actionable by the attorney general or by a consumer under the deceptive consumer sales act (act); and (2) is subject to the remedies and penalties under the act.

Effective: July 1, 2022.

Morris, Judy

January 11, 2022, read first time and referred to Committee on Commerce, Small Business and Economic Development.
January 20, 2022, amended, reported — Do Pass.

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January 20, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1321

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]:
4 **Chapter 27. Cash Transactions for Sales of Goods and Services**
5 **Sec. 1. This chapter does not apply to a sports or entertainment**
6 **venue if cash is accepted in exchange for a debit card or other cash**
7 **equivalent point of sale.**
8 **Sec. 2. (a) As used in this chapter, "at retail" means a retail**
9 **transaction conducted in person.**
10 **(b) The term does not include a transaction conducted by**
11 **telephone, through the mail, or over the Internet.**
12 **Sec. 3. As used this chapter, "cash" means United States**
13 **denominated currency, whether in the form of paper or a coin,**
14 **that:**
15 **(1) is designated as legal tender under 31 U.S.C. 5103; and**

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- 1 (2) circulates and is customarily used and accepted as a
2 medium of exchange in the United States.
- 3 **Sec. 4. (a) As used in this chapter, "merchant" means a person**
4 **that does either of the following at retail:**
- 5 **(1) Maintains, occupies, or uses, whether directly or through**
6 **an agent, and whether temporarily or permanently, one (1) or**
7 **more fixed places of business:**
- 8 **(A) that are physically located in Indiana; and**
9 **(B) from which the person:**
- 10 **(i) offers for sale, lease, or rent; or**
11 **(ii) sells, leases, or rents;**
12 **goods and services to the public for a profit.**
- 13 **(2) Maintains any representative, agent, salesperson,**
14 **canvasser, or solicitor who, while operating in Indiana under**
15 **the authority of and on behalf of the person:**
- 16 **(A) either:**
- 17 **(i) offers for sale, lease, or rent; or**
18 **(ii) sells, leases, or rents;**
19 **goods and services to the public for a profit; and**
20 **(B) accepts payment for the sale, lease, or rent of those**
21 **goods and services.**
- 22 **(b) The term includes an affiliate (as defined in IC 23-1-43-1) of**
23 **the person.**
- 24 **Sec. 5. As used in this chapter, "person" means an individual, a**
25 **corporation, a limited liability company, a partnership, or any**
26 **other legal entity.**
- 27 **Sec. 6. A merchant shall accept cash as payment for any goods**
28 **or services:**
- 29 **(1) offered for sale, lease, or rent to the public; or**
30 **(2) sold, leased, or rented to the public;**
31 **in Indiana.**
- 32 **Sec. 7. (a) This section applies to a transaction at retail in which**
33 **a customer:**
- 34 **(1) uses cash to pay for goods or services that are sold, leased,**
35 **or rented by a merchant; and**
36 **(2) is owed change for the amount of cash offered by the**
37 **customer in the transaction.**
- 38 **(b) Subject to subsection (c), a merchant may offer to a**
39 **customer who is owed change in a cash transaction the option to do**
40 **either of the following, but may not require the customer to do**
41 **either of the following:**
- 42 **(1) Receive the change owed to the customer in the form of a**



- 1 **gift card, gift certificate, or store credit.**
 2 **(2) Donate an amount:**
 3 **(A) equal to part or all of the amount of change owed to**
 4 **the customer; or**
 5 **(B) exceeding the amount of change owed to the customer;**
 6 **to a charity.**
 7 **(c) The following apply to a merchant that chooses to offer one**
 8 **(1) or more of the options described in subsection (b)(1) or (b)(2)**
 9 **to a customer who is owed change in a cash transaction:**
 10 **(1) If the customer chooses not to:**
 11 **(A) receive the change owed to the customer in the form of**
 12 **a gift card, gift certificate, or store credit; or**
 13 **(B) donate:**
 14 **(i) part or all of the amount of change owed to the**
 15 **customer; or**
 16 **(ii) an amount exceeding the amount of change owed to**
 17 **the customer;**
 18 **to a charity;**
 19 **the merchant must provide to the customer in cash an amount**
 20 **equal to at least the amount of change owed to the customer**
 21 **in the transaction, regardless of whether the merchant is able**
 22 **to provide the customer the exact amount of change the**
 23 **customer is owed.**
 24 **(2) In the case of a merchant described in section 4(a)(1) of**
 25 **this chapter, the merchant must prominently post at:**
 26 **(A) each public entrance to each physical location from**
 27 **which the merchant conducts business in Indiana; and**
 28 **(B) each point of sale;**
 29 **a notice informing customers of the options available for**
 30 **receiving change in a cash transaction, including a customer's**
 31 **right to receive in cash at least the amount of change owed, as**
 32 **described in subdivision (1).**
 33 **(3) In the case of a merchant described in section 4(a)(2) of**
 34 **this chapter, the merchant must require any representative,**
 35 **agent, salesperson, canvasser, or solicitor who, while**
 36 **operating in Indiana under the authority of and on behalf of**
 37 **the merchant, to provide to the customer before the point of**
 38 **sale oral, written, or electronic notice informing the customer**
 39 **of the options available for receiving change in a cash**
 40 **transaction, including the customer's right to receive in cash**
 41 **at least the amount of change owed, as described in**
 42 **subdivision (1).**



1 **Sec. 8. A person that violates this chapter:**
2 **(1) commits a deceptive act that is actionable by the attorney**
3 **general or by a consumer under IC 24-5-0.5-4; and**
4 **(2) is subject to the remedies and penalties under IC 24-5-0.5.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1321, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "and Rebates".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 1. This chapter does not apply to a sports or entertainment venue if cash is accepted in exchange for a debit card or other cash equivalent point of sale.

Sec. 2. (a) As used in this chapter, "at retail" means a retail transaction conducted in person.

(b) The term does not include a transaction conducted by telephone, through the mail, or over the Internet."

Page 1, line 6, delete "1." and insert "3."

Page 1, line 12, delete "2." and insert "4."

Page 1, line 13, delete ":" and insert "**at retail:**".

Page 2, line 18, delete "3." and insert "5."

Page 2, delete lines 21 through 31.

Page 2, line 32, delete "5." and insert "6."

Page 2, line 37, delete "6." and insert "7."

Page 2, line 37, after "transaction" insert "**at retail**".

Page 3, line 29, delete "2(a)(1)" and insert "**4(a)(1)**".

Page 3, line 38, delete "2(a)(2)" and insert "**4(a)(2)**".

Page 4, delete lines 6 through 42.

Page 5, delete lines 1 through 3.

and when so amended that said bill do pass.

(Reference is to HB 1321 as introduced.)

MORRIS

Committee Vote: yeas 7, nays 2.

