The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 254 Original | 2026 Regular Session | Mizell

Proposed law defines "cardholder", "debit card", "retail business", and "surcharge".

Proposed law prohibits a retail business from charging a surcharge to a cardholder using a debit card to purchase goods or services.

Proposed law provides that a retail business in violation of proposed law shall be liable to the debit cardholder.

Proposed law authorizes the attorney general to bring civil actions to enforce any violation of proposed law.

Proposed law provides that a retail business that violates proposed law shall be fined up to $500 per violation.

Proposed law requires the attorney general, at least 45 days before initiating an enforcement action, to provide written notice to the retail business identifying each alleged violation and explaining the basis for each allegation.

Proposed law provides that the attorney general shall not initiate an enforcement action if the retail business cures the violation within 45 days of receiving notice and provides a written statement indicating the violation has been cured and that no further violations will occur.

Proposed law provides that a person who violates an administrative order or court order issued for a violation of proposed law shall be subject to a civil penalty of not more than $500 for each violation.

Proposed law provides that monies collected from fines and civil penalties shall be used by the attorney general to promote consumer protection and education.

Proposed law requires the attorney general to establish and maintain a toll-free telephone number and an electronic reporting system for consumers to report any unlawful surcharge on a debit card.

Proposed law provides that all complaints shall include the name and address of the retail business, the date and amount of the transaction, the amount of the surcharge imposed, and any receipt, invoice, or other documentation evidencing the surcharge.

Effective August 1, 2026.

(Adds R.S. 9:3518.5 and 3518.6)