

RÉSUMÉ DIGEST

ACT 830 (HB 750)

2026 Regular Session

Cox

New law creates the "Click-to-Cancel Act".

New law defines "automatic renewal contract", "automatic renewal offer terms", "continuous service renewal offer terms", "clear and conspicuous" or "clearly and conspicuously", "consumer", "merchandise", "person", and "trial period".

New law provides that a person who conducts business in this state shall not offer an automatic renewal contract to a consumer in this state if that person does any of the following:

- (1) Fails to present the automatic renewal offer terms or continuous service offer terms clearly and conspicuously before the subscription or purchasing agreement is fulfilled and in visual proximity to the request for acceptance of the offer, or, if the offer is conveyed by voice, in temporal proximity to the request for acceptance. New law further provides for requirements for a free or discounted trial period offer.
- (2) Charges the consumer's method of payment for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to an agreement that clearly and conspicuously displays the automatic renewal offer terms or continuous service offer terms.
- (3) Fails to provide the consumer with an acknowledgment that includes the automatic renewal offer terms or continuous service offer terms, cancellation policy, and cancellation instructions in a manner capable of being retained by the consumer. New law further provides for requirements if the automatic renewal offer or continuous service offer includes a discount, free gift, or trial period.
- (4) Includes any information that contradicts or undermines the consumer's ability to provide express affirmative acceptance to the automatic renewal or continuous service offer.
- (5) Fails to maintain reasonable business records sufficient to demonstrate the consumer's affirmative consent for a period of not less than one year from the date of formation of the contract.
- (6) Fails to provide the consumer, before confirming the consumer's billing information and as may be required, a clear and conspicuous notice stating certain information.
- (7) Fails to provide a cost-effective, timely, and easy-to-use mechanism for the consumer to cancel the automatic renewal contract or trial period offer, avoid charges or increased charges for the good or service, and stop future charges after the expiration of the contractual term. New law further provides for the requirements of the cancellation mechanism.

New law provides that if a material change occurs in the terms of an automatic renewal contract accepted by a consumer in this state, the person who offered the contract shall provide the consumer with a clear and conspicuous notice of the material change and information on how to cancel the contract in a manner capable of being retained by the consumer.

New law requires a person selling a good or service by an automatic renewal contract to provide notice to the consumer prior to renewal in certain circumstances.

New law provides that notice given pursuant to new law shall be provided at least three days prior to the renewal or conversion and shall include the renewal terms, the amount to be charged and instructions on how to cancel.

New law requires that prior to the initiation of any enforcement action or assessment of civil penalties, a person shall be provided written notice of the alleged violation and shall have 30 days to cure that violation. If the person cures the violation within the 30-day period and

provides written confirmation of that cure, no civil penalty shall be imposed for that violation.

New law provides that the 30-day period to cure violations does not apply to willful or repeated violations.

New law provides for certain exemptions to new law.

New law provides that a person who demonstrates a good faith effort to comply with the provisions of new law and maintains reasonable compliance procedures shall not be liable for technical or inadvertent violations that do not result in material harm to the consumer.

New law provides that provisions of new law do not supersede provisions of existing law regarding home service contracts and requirements for disclosures and a consumer's right to cancel relative to such contracts.

New law provides for a civil penalty set by the attorney general of no more than \$500 per violation of new law.

Effective January 1, 2027.

(Adds R.S. 51:3301-3305)