

HOUSE BILL NO. 5223

November 05, 2025, Introduced by Reps. Morgan, Herzberg, Paiz, Rheingans, Miller, Mentzer, Price, Hope, MacDonell, Myers-Phillips, Arbit, Dievendorf, Young, Byrnes, Foreman, Hoskins and Wegela and referred to Committee on Economic Competitiveness.

A bill to amend 1976 PA 331, entitled
"Michigan consumer protection act,"
(MCL 445.901 to 445.922) by adding section 3p.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3p. (1) A retail box store or a membership warehouse club
2 engaged in trade or commerce that uses digital pricing displays
3 shall not use dynamic pricing in the sale of goods.

4 (2) Except as otherwise provided in subsection (3), the price
5 or discount of a good that is shown on a digital price tag must be
6 uniformly available to all consumers. A retail box store or a

1 membership warehouse club engaged in trade or commerce may offer
2 coupons, loyalty program discounts, and manufacturer rebates if
3 both of the following apply:

4 (a) The coupons, discounts, and rebates are equally available
5 to all customers.

6 (b) The coupons, discounts, and rebates do not vary according
7 to an external condition such as the time of day, the day of the
8 week, weather or temperature, or customer attributes.

9 (3) If a membership is required to receive a discount on a
10 good, the digital price tag must display the membership requirement
11 to receive the discount, the discounted price, and the regular
12 price for a consumer without a membership.

13 (4) A retail box store or a membership warehouse club engaged
14 in trade or commerce shall maintain all records of price changes
15 for goods for not less than 12 months.

16 (5) As used in this section:

17 (a) "Digital price tag" means an electronic device used to
18 display the price of an item in store that is capable of being
19 updated remotely or automatically.

20 (b) "Dynamic pricing" means a pricing system that adjusts the
21 price of goods at any time, including outside of a business's
22 normal hours of operation, and is based on external conditions that
23 may include, but are not limited to, any of the following:

24 (i) The time of day.

25 (ii) The day of the week.

26 (iii) The weather or temperature.

27 (iv) Customer attributes, including, but not limited to,
28 location, demographic profile, purchase history, or an individual
29 or group characteristic protected under the Elliott-Larsen civil

1 rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

2 (c) "Membership warehouse club" means a retail establishment
3 that sells a wide range of goods in bulk or at discounted prices
4 and requires consumers to purchase a membership to access the
5 premises or prices.

6 (d) "Retail box store" means a retail establishment that is
7 operated by a chain or franchise with more than 20,000 square feet
8 of retail floor space, offering a broad or specialized range of
9 consumer goods under a single roof.

10 Enacting section 1. This amendatory act takes effect 180 days
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect
13 unless Senate Bill No. ____ (request no. S04394'25) or House Bill
14 No. 5224 (request no. H04394'25) of the 103rd Legislature is
15 enacted into law.