

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 226

Short Title: The Free Means Free Act. (Public)

Sponsors: Representatives R. Brawley and Turner (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development, if favorable, Judiciary Subcommittee B.

March 6, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE WHEN PERSONS, FIRMS, AND CORPORATIONS ENGAGED
3 IN COMMERCE MAY REPRESENT THAT OFFERED GOODS, PROPERTY, OR
4 SERVICES ARE FREE OR WITHOUT COST.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 1 of Chapter 75 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 75-43. Offering of free goods, products, and services.**

9 (a) Requirements. – No person, firm, or corporation engaged in commerce shall, in
10 connection with the sale or lease or solicitation for the sale or lease of any goods, property, or
11 service, represent that any goods, property, or services are free or are otherwise without cost,
12 unless all of the following conditions are satisfied:

13 (1) A person who receives the goods, property, or service will have no financial
14 obligation in connection with the goods, property, or service at any time,
15 including any obligation to pay for shipping, restocking, continued receipt of
16 the goods, property, service in the future, or any related expenses.

17 (2) The person, firm, or corporation that provides the goods, property, or service
18 does not obtain credit card information, debit card information, or any other
19 means of charging the recipient of the goods, property, or service for present
20 or future receipt of the goods, property, or service.

21 (3) The recipient of the goods, property, or service is not required to take any
22 affirmative steps to cancel or otherwise prevent receipt of nonfree goods,
23 property, or services in the future.

24 (b) Violations. – A violation of this Article shall be an unfair and deceptive trade
25 practice under G.S. 75-1.1."

26 **SECTION 2.** This act becomes effective October 1, 2013.

