HOUSE BILL NO. 1458

AN ACT TO PROHIBIT THE SALE OF GIFT CARDS OR CERTIFICATES WITH EXPIRATION DATES, SERVICE FEES OR DORMANCY FEES; TO PROVIDE EXCEPTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) It is unlawful for any person or entity to sell a gift card or certificate to a purchaser that contains any of the following:

   (a) An expiration date.

   (b) A service fee, including, but not limited to, a service fee for dormancy, except as otherwise provided in subsection (5).

(2) A gift card or certificate sold without an expiration date is valid until redeemed or replaced.

(3) This section does not apply to any of the following gift cards or certificates issued on or after July 1, 2013, provided the expiration date appears in capital letters in at least ten-point font on the front of the gift card or certificate:
(a) A gift card or certificate that is distributed by
the issuer to a consumer pursuant to an awards, loyalty or
promotional program without any money or other thing of value
being given in exchange for the gift certificate by the consumer.

(b) A gift card or certificate that is sold below face
value at a volume discount to employers or to nonprofit and
charitable organizations for fundraising purposes if the
expiration date on the gift card or certificate is not more than
thirty (30) days after the date of sale.

(c) A gift card or certificate that is issued for a
food product.

(4) The provisions of subsection (1)(b) do not apply to a
dormancy fee on a gift card that meets all of the following
criteria:

(a) The remaining value of the gift card is Five
Dollars ($5.00) or less each time the fee is assessed.

(b) The fee does not exceed One Dollar ($1.00) per
month.

(c) There has been no activity on the gift card for
twenty-four (24) consecutive months, including, but not limited
to, purchases, the adding of value or balance inquiries.

(d) The holder may reload or add value to the gift
card.

(e) A statement is printed on the gift card in at least
10-point font stating the amount of the fee, how often the fee
will occur, that the fee is triggered by inactivity of the gift card, and at what point the fee will be charged. The statement may appear on the front or back of the gift card, but shall appear in a location where it is visible to any purchaser before the purchase thereof.

(5) Nothing in subsection (1)(a) prevents an issuer of a gift card or certificate from including on any gift card or certificate a provision that entitles the purchaser to a full refund of the amount that he or she paid for that gift card or certificate upon the occurrence of the following circumstances:

(a) The gift card or certificate is purchased as a gift for another person.

(b) The time period within which the gift certificate may be redeemed is disclosed on the gift card or certificate.

(c) The holder of the gift card or certificate does not redeem the gift card or certificate within the time described in paragraph (b) of this subsection (5).

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.