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## **ACLU OF RI POSITION: AMEND**

### **TESTIMONY ON 26-H 7848, RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS -- UNFAIR SALES PRACTICES March 12, 2026**

The ACLU of Rhode Island has no position on the substance of this legislation dealing with the obligations of retailers who sell glucose monitors to fix broken ones. However, we are concerned about the penalty provision for violations of the law that appears at the end of the bill, and we would urge that it be amended.

Specifically, the bill imposes a \$500 fine on retailers who violate the law, but designates this penalty as a misdemeanor. Particularly in light of the minimal nature of the penalty, we do not believe there is a basis for treating this offense as a crime rather than as a civil matter. There are obviously significant consequences that flow from being convicted of a crime versus being forced to pay a civil fine, and it has been the General Assembly's usual practice to treat offenses like this as civil ones, with civil penalties attached.

Because we do not believe there are any compelling reasons to make this type of infraction a criminal offense, we would urge that the penalty provision be amended to clarify that the \$500 fine constitutes a civil penalty, not a crime.

Thank you for considering our views.