

By: Representative Lane

To: Ways and Means

HOUSE BILL NO. 1458

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

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

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

8 (a) An expiration date.

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

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

14 (3) This section does not apply to any of the following gift  
15 cards or certificates issued on or after July 1, 2013, provided  
16 the expiration date appears in capital letters in at least  
17 ten-point font on the front of the gift card or certificate:



18 (a) A gift card or certificate that is distributed by  
19 the issuer to a consumer pursuant to an awards, loyalty or  
20 promotional program without any money or other thing of value  
21 being given in exchange for the gift certificate by the consumer.

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

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

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

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

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

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

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

41 (e) A statement is printed on the gift card in at least  
42 10-point font stating the amount of the fee, how often the fee



43 will occur, that the fee is triggered by inactivity of the gift  
44 card, and at what point the fee will be charged. The statement  
45 may appear on the front or back of the gift card, but shall appear  
46 in a location where it is visible to any purchaser before the  
47 purchase thereof.

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

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

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

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

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

