

365.402 Requirements of businesses offering automatic renewals or continuous service offers -- Cancellation or termination -- Notice of material change.

- (1) A business that makes an automatic renewal or continuous service offer to a consumer in this state shall:
 - (a) Present the automatic renewal offer terms or continuous service offer terms in a clear and conspicuous manner before the subscription or purchase agreement is fulfilled and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer. If the offer also includes a free gift or trial, the offer shall include a clear and conspicuous explanation of the price that will be charged after the trial ends or the manner in which the subscription or purchase agreement pricing will change upon conclusion of the trial;
 - (b) Obtain the consumer's affirmative consent to the purchase agreement with the automatic renewal offer terms or continuous service offer terms, including the terms of an automatic renewal offer or continuous service offer that is made at a promotional or discounted price for a limited period of time, before charging the consumer's credit or debit card, or the consumer's account with a third party, for an automatic renewal offer or continuous service offer; and
 - (c) Provide an acknowledgment that includes the automatic renewal offer terms or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the automatic renewal offer or continuous service offer includes a free gift or trial, the business shall also disclose in the acknowledgment how to cancel, and allow the consumer to cancel, the automatic renewal or continuous service before the consumer pays for the goods or service.
- (2) A business that makes an automatic renewal offer or continuous service offer shall provide a toll-free telephone number, electronic mail address, postal address if the seller directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgment specified in subsection (1)(c) of this section.
- (3) A business that allows a consumer to accept an automatic renewal or continuous service online shall allow that consumer to terminate the automatic renewal or continuous service offer exclusively online which may include a termination e-mail formatted and provided by the business that a consumer can send to the business without additional information.
- (4) In the event of a material change in the terms of the automatic renewal or continuous service that has been accepted by a consumer in this state, the business shall provide the consumer with a clear and conspicuous notice of the material change and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.

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