

Attorney General Challenges and Considerations in Consumer Protection Enforcement

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Consumer Protection Q&A

Q&A Round: Background and Policy

- How is the AG selected in your state?
- How is consumer protection organized in your office?
- How are consumer protection priorities set in your office?
- Do you participate in multistate consumer investigations?
- Do you receive consumer complaints?
- Do you perform any complaint resolution role?

Q&A Round: State-Specific UDAP Law

- What is your primary consumer protection statute?
- Are you able to conduct pre-suit investigations by statute?
- Can you request documents? Take statements? Send interrogatories?
- Are CIDs confidential? Are answers confidential?
- Does your law allow a party to object or set aside? If so, in what timeframe?
- How can you enforce compliance?
- Do you have a statute of limitations? If so, what is it?
- Do you have to provide pre-suit notice? If so, what timeframe?

Q&A Round: Remedies and Other Laws

- What types of settlements can you enter into?
- What is your civil penalty authority?
- Can you obtain restitution? Disgorgement?
- Are there times you don't get injunctive relief? Penalties/payment?
- How are IR terms enforced? What if they are in an AVC?
- Do you have specific laws and remedies for price gouging?
- Do you have specific laws and remedies for auto-renewals?
- Do you have a privacy law?
- Any new noteworthy CP laws recently introduced/passed?

Consumer Protection: Challenges, Considerations, and Opportunities

Outside Counsel

- When and why we use outside counsel
- Process for selecting, pursuant to K.S.A. 75-37,102
- How the relationship works

Website Age Verification

- New law took effect July 1, 2024
- 50-6,146 (Supp.) SB394 (2024)
- Troublesome definitions, including “webpages”
- Liability for hosts but not internet service providers

Cryptocurrency

- Definition of cryptocurrency – is it a security? a commodity?
- Who or what has jurisdiction?
- How it is involved in consumer protection violations?
- Challenges crypto poses for enforcement

QUESTIONS?

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NEW

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Consumer Protection News
*An Insider's Perspective and Analysis to Help
Navigate the Landscape of AG Enforcement*

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The graphic features a dark blue background with a subtle grid pattern. A red starburst in the top left contains the word 'NEW' in white. The main text is in white, with the title 'AG Chronicles:' in a larger font. Below it, 'Consumer Protection News' is in a smaller font, and the subtitle is in an italicized font. A stylized map of the United States, composed of individual state shapes in shades of cyan and green, is positioned in the center. To the right of the map is a red rectangular button with the word 'SUBSCRIBE' in white capital letters.

THANK YOU!



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