

# HOUSE BILL 191

I3, I4

(6lr1003)

**ENROLLED BILL**  
— *Economic Matters/Finance* —

Introduced by **Delegate Wims**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Retail Transactions for Essential Consumer Goods –**  
3 **Cash Payments**

4 FOR the purpose of prohibiting a merchant, in a certain transaction *between certain hours*,  
5 from prohibiting a person from making a cash payment to purchase ~~a~~ an essential  
6 consumer good or service, requiring a person to purchase ~~a~~ an essential consumer  
7 good or service by using a credit or debit card, or charging or collecting from a person  
8 a ~~fee~~ higher price than for an equivalent cashless transaction for making a cash  
9 payment for the purchase of ~~a~~ an essential consumer good or service, subject to  
10 certain exceptions; establishing that a violation of this Act is an unfair, abusive, or  
11 deceptive trade practice subject to certain enforcement and penalty provisions under  
12 the Maryland Consumer Protection Act; and generally relating to retail cash  
13 transactions for essential consumer goods.

14 BY repealing and reenacting, with amendments,

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Commercial Law  
2 Section 13–301(14)(xlvii)  
3 Annotated Code of Maryland  
4 (2025 Replacement Volume)

5 BY repealing and reenacting, without amendments,  
6 Article – Commercial Law  
7 Section 13–301(14)(xlviii)  
8 Annotated Code of Maryland  
9 (2025 Replacement Volume)

10 BY adding to  
11 Article – Commercial Law  
12 Section 13–301(14)(xlix) and 14–1330  
13 Annotated Code of Maryland  
14 (2025 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 That the Laws of Maryland read as follows:

17 **Article – Commercial Law**

18 13–301.

19 Unfair, abusive, or deceptive trade practices include any:

20 (14) Violation of a provision of:

21 (xlvii) Title 14, Subtitle 50 of this article; [or]

22 (xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

23 **(XLIX) SECTION 14–1330 OF THIS ARTICLE; OR**

24 **14–1330.**

25 **(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS**  
26 **INDICATED.**

27 **(2) “CONSUMER GOODS” HAS THE MEANING STATED IN § 13–101 OF**  
28 **THIS ARTICLE.**

29 **(3) “ESSENTIAL CONSUMER GOOD” MEANS:**

30 **(I) FOOD, INCLUDING HUMAN AND ANIMAL FOOD;**

1           **(II) WATER, INCLUDING ICE, AND OTHER BEVERAGES;**

2           **(III) PERSONAL HYGIENE PRODUCTS, INCLUDING TOILETRIES**  
 3 **AND CLEANING PRODUCTS;**

4           **(IV) HEALTH PRODUCTS, INCLUDING MEDICINE, MEDICAL**  
 5 **SUPPLIES AND EQUIPMENT, AND PERSONAL PROTECTIVE EQUIPMENT; AND**

6           **(V) FUEL.**

7           **(4) “~~MERCHANT~~ MERCHANT” HAS THE MEANING STATED IN § 13-101**  
 8 **OF THIS ARTICLE.**

9           **(5) “RETAIL ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT**  
 10 **SELLS CONSUMER GOODS TO THE PUBLIC.**

11           **(B) (1) THIS SECTION APPLIES ONLY TO AN IN-PERSON ~~RETAIL~~**  
 12 **TRANSACTION AT A RETAIL ESTABLISHMENT TOTALING AT LEAST \$5 AND LESS THAN**  
 13 **\$300.**

14           **(2) THIS SECTION DOES NOT APPLY TO:**

15           **(I) A TELEPHONE, MAIL, OR INTERNET TRANSACTION; ~~OR~~**

16           **(II) A VENDING MACHINE OR KIOSK TRANSACTION; ~~OR~~**

17           **(III) A TRANSACTION WITH A MERCHANT THAT SELLS TO THE**  
 18 **PUBLIC PRIMARILY:**

19           **1. FOOD OR BEVERAGES FOR ON-PREMISES**  
 20 **CONSUMPTION; OR**

21           **2. A LIMITED VARIETY OF GOURMET OR SPECIALTY**  
 22 **FOODS, INCLUDING CHEESES, FRUITS, NUTS, CANDY, SPICES, AND OILS; OR**

23           **(IV) THE PURCHASE OF FUEL FROM A MERCHANT THAT SELLS**  
 24 **FUEL TO THE PUBLIC BUT REQUIRES A PAID MEMBERSHIP TO PURCHASE THE FUEL.**

25           **~~(H) A TRANSACTION TO PAY TO PARK A VEHICLE IN:~~**

26           **~~1. A PARKING LOT OR GARAGE; OR~~**

27           **~~2. A METERED PARKING SPACE.~~**

1 (C) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, BETWEEN  
 2 THE HOURS OF 6 A.M. AND 10 P.M. A MERCHANT MAY NOT:

3 (1) PROHIBIT A PERSON FROM MAKING A CASH PAYMENT TO  
 4 PURCHASE ~~A~~ AN ESSENTIAL CONSUMER GOOD OR SERVICE;

5 (2) REQUIRE A PERSON TO USE A CREDIT OR DEBIT CARD TO  
 6 PURCHASE ~~A~~ AN ESSENTIAL CONSUMER GOOD OR SERVICE; OR

7 (3) CHARGE OR COLLECT FROM A PERSON A HIGHER PRICE THAN  
 8 CHARGED OR COLLECTED FOR AN EQUIVALENT CASHLESS TRANSACTION, WHETHER  
 9 OR NOT THE DIFFERENCE IN PRICE IS DESCRIBED AS A FEE, FOR MAKING A CASH  
 10 PAYMENT FOR THE PURCHASE OF ~~A~~ AN ESSENTIAL CONSUMER GOOD OR SERVICE.

11 (D) (1) A MERCHANT MAY PROHIBIT A PERSON FROM MAKING A CASH  
 12 PAYMENT FOR THE PURCHASE OF A CONSUMER GOOD:

13 ~~(1)~~ (I) IN A CASH DENOMINATION GREATER THAN \$20; OR

14 ~~(2)~~ (II) IF THE MERCHANT:

15 ~~(I)~~ 1. PROVIDES AND MAINTAINS A DEVICE ON THE  
 16 PREMISES OF THE ESTABLISHMENT THAT CONVERTS CASH INTO A PREPAID CARD  
 17 THAT A PERSON MAY USE TO PURCHASE A CONSUMER GOOD AT THE  
 18 ESTABLISHMENT;

19 ~~(II)~~ 2. DOES NOT CHARGE ANY FEE OR REQUIRE A DEPOSIT;

20 AND

21 ~~(III)~~ 3. IF THE DEVICE MALFUNCTIONS OR BECOMES  
 22 INOPERABLE, ACCEPTS PAYMENT IN CASH IN ACCORDANCE WITH THIS SECTION  
 23 UNTIL THE DEVICE RESUMES NORMAL OPERATIONS.

24 (2) A MERCHANT MAY COLLECT FROM A PERSON AN ADDITIONAL  
 25 AMOUNT NOT EXCEEDING 4 CENTS WHEN ROUNDING THE PRICE FOR AN ESSENTIAL  
 26 CONSUMER GOOD IN ACCORDANCE WITH APPLICABLE LAW.

27 ~~(D)~~ (E) A VIOLATION OF THIS SECTION IS:

28 (1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE WITHIN  
 29 THE MEANING OF TITLE 13 OF THIS ARTICLE; AND

1           **(2) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (F) OF THIS SECTION,**  
2 **SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE**  
3 **13 OF THIS ARTICLE.**

4           ~~(E)~~ **(F) (1) SECTIONS 13-410(A) AND (B) AND 13-411 OF THIS ARTICLE**  
5 **DO NOT APPLY TO A VIOLATION OF THIS SECTION.**

6           **(2) THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF**  
7 **THE ATTORNEY GENERAL SHALL PROVIDE A MERCHANT WHO VIOLATES THIS**  
8 **SECTION WITH AT LEAST TWO SEPARATE OPPORTUNITIES TO COMPLY WITH THE**  
9 **REQUIREMENTS OF THIS SECTION.**

10           **(3) (I) A MERCHANT WHO VIOLATES THIS SECTION AFTER TWO**  
11 **SEPARATE OPPORTUNITIES TO COMPLY UNDER PARAGRAPH (2) OF THIS**  
12 **SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING ~~\$5,000~~ \$500 FOR EACH**  
13 **VIOLATION.**

14                       **(II) A MERCHANT WHO VIOLATES THIS SECTION AFTER HAVING**  
15 **BEEN FINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUBJECT TO A FINE**  
16 **NOT EXCEEDING ~~\$10,000~~ \$1,000 FOR EACH SUBSEQUENT VIOLATION.**

17                       **(III) THE FINES PROVIDED FOR IN SUBPARAGRAPHS (I) AND (II)**  
18 **OF THIS PARAGRAPH:**

19                               **1. ARE CIVIL PENALTIES RECOVERABLE IN**  
20 **ACCORDANCE WITH § 13-410(C) OF THIS ARTICLE; AND**

21                               **2. SHALL BE SET IN ACCORDANCE WITH § 13-410(D) OF**  
22 **THIS ARTICLE.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24           October 1, 2026.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.