

**1-800-FLOWERS.COM OPPOSITION STATEMENT TO HOUSE BILL 27  
(COMMERCIAL LAW – CONSUMER PROTECTION ACT – FLORAL WIRE  
SERVICES)**

1-800-FLOWERS.COM (“1-800-FLOWERS”) is a global e-commerce brand from which consumers order floral products to be delivered anywhere in the United States and in many other countries. 1-800-FLOWERS maintains a network of local florists throughout the country who have chosen to be part of its network. If the order is for same-day/next-day delivery, the order generally is fulfilled by a local network florist; other orders may be fulfilled by 1-800-FLOWERS itself from one of its regional floral warehouses or distribution centers. The 1-800-FLOWERS.COM website explains that same-day/next-day deliveries generally are fulfilled by local florists.

Local florists choose to participate in the 1-800-FLOWERS network because it drives business to them, both from orders placed with 1-800-FLOWERS and orders from other network florists. During the COVID-19 pandemic, 1-800-FLOWERS was a vital lifeline for local florists from the orders it generated for them, and from other financial support provided to them during that time.

House Bill 27 would require a “floral wire service” to disclose to a customer when the customer is buying from a floral wire service and not directly from a local florist.

***HOUSE BILL 27 WOULD REQUIRE A MISLEADING AND CONFUSING CONSUMER DISCLOSURE.*** When a consumer uses 1-800-FLOWERS.COM to have flowers delivered to a loved one, the consumer is purchasing from 1-800-FLOWERS.COM, even when a local florist fulfills the order. Accordingly, under House Bill 27, 1-800-FLOWERS would need to disclose to all consumers that they are purchasing flowers from 1-800-FLOWERS and not from a local florist, even when a local florist will be fulfilling the order. The 1-800-FLOWERS.COM website informs consumers that same-day/next-day orders are fulfilled by local florists, so this disclosure will also be confusing to consumers.

***THE CONSUMER DISCLOSURE REQUIRED BY HOUSE BILL 27 SERVES NO PURPOSE.*** It is unclear what problem House Bill 27 is attempting to solve. Obviously, a consumer who orders flowers from 1-800-FLOWERS knows that s/he is purchasing the flowers from 1-800-FLOWERS, not “directly from a local florist” as the bill would require consumers be told.

***NO STATE IN THE COUNTRY HAS A LAW SIMILAR TO WHAT IS PROPOSED IN HOUSE BILL 27.*** House Bill 27 would require a disclosure that is not required anywhere else. House Bill 27 would impose state-specific requirements that will require special programming and other implementation costs that will increase the cost of conducting business in Maryland, business which benefits local florists. Such increased costs also could result in Maryland florists no longer fulfilling “same day/next day” orders for 1-800-FLOWERS and less choice for consumers.

***HOUSE BILL 27 INAPPROPRIATELY SINGLES OUT ONE FORM OF RETAIL E-COMMERCE.*** There is no basis to single out e-commerce businesses like 1-800-FLOWERS to require special disclosures about the use of local business, out of the massive e-commerce retail marketplace.

***HOUSE BILL 27 IS VAGUE AND CONFUSING FOR BUSINESS.*** Key terms in the bill are left vague and uncertain, including the meaning of “floral wire service” and the meaning of “disclose.” This will make it difficult for businesses to implement, while the bill would subject them to the Consumer Protection Act and the significant penalties it carries for violations.

***For these reasons, 1-800-FLOWERS.COM urges an unfavorable report on House Bill 27.***