

HOUSE BILL 53

I4, C2

4lr0944

(PRE-FILED)

By: **Delegate Wu**

Requested: October 12, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study E-Commerce Monopolies in the State**
3 **(E-Commerce Antimonopoly Study of 2024)**

4 FOR the purpose of establishing the Task Force to Study E-Commerce Monopolies in the
5 State; and generally relating to electronic commerce and markets in the State.

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That:

8 (a) There is a Task Force to Study E-Commerce Monopolies in the State.

9 (b) The Task Force consists of the following members:

10 (1) three members of the Senate of Maryland, appointed by the President
11 of the Senate;

12 (2) three members of the House of Delegates, appointed by the Speaker of
13 the House;

14 (3) the Attorney General, or the Attorney General's designee;

15 (4) one representative of the Antitrust Division of the Office of the Attorney
16 General, appointed by the Attorney General; and

17 (5) the following members, appointed by the Governor:

18 (i) one representative of the e-commerce industry;

19 (ii) one representative of small businesses that conduct transactions
20 as third-party sellers on online e-commerce platforms; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) one representative of the small business community in the State.

2 (c) The Attorney General, or the Attorney General's designee, shall designate the
3 chair of the Task Force.

4 (d) The Office of the Attorney General shall provide staff for the Task Force.

5 (e) A member of the Task Force:

6 (1) may not receive compensation as a member of the Task Force; but

7 (2) is entitled to reimbursement for expenses under the Standard State
8 Travel Regulations, as provided in the State budget.

9 (f) The Task Force shall:

10 (1) study the business practices and industry impacts of e-commerce
11 businesses that individually have annual revenue exceeding \$10,000,000,000, have a
12 presence in the State, and are engaged in selling on their own online platforms first- and
13 third-party products, for the purpose of determining to what extent, if any:

14 (i) e-commerce businesses have a monopoly in the e-commerce
15 industry in the State;

16 (ii) e-commerce businesses appear to copy and sell first-party
17 products on their online platforms in a manner that substantially resembles the products
18 of third-party sellers that are also being sold on the same online platforms;

19 (iii) e-commerce businesses utilize tools, methods, algorithms, or
20 customer data to unfairly give priority to and promote the sale of the first-party products
21 that substantially resemble third-party products as described under item (ii) of this item;
22 and

23 (iv) the business practices and industry impacts of e-commerce
24 businesses described in items (i) through (iii) of this item harm small businesses in the
25 State and create unfair competition; and

26 (2) make recommendations regarding potential methods to regulate
27 e-commerce platforms as described under item (1) of this subsection for the purpose of
28 enhancing and promoting small businesses in the State.

29 (g) On or before December 1, 2024, the Task Force shall report its findings and
30 recommendations to the General Assembly in accordance with § 2-1257 of the State
31 Government Article.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2024. It shall remain effective for a period of 1 year and 1 month and, at the end of June
3 30, 2025, this Act, with no further action required by the General Assembly, shall be
4 abrogated and of no further force and effect.