

HOUSE BILL 1459

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2lr3216

By: **Delegate Griffith**

Introduced and read first time: February 24, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection Act – Floral Wire Services**

3 FOR the purpose of requiring a floral wire service to adopt clear and concise billing
4 practices in dealings with local florists or third-party sellers; requiring a floral wire
5 service to disclose to a customer when the floral wire service is buying from a floral
6 wire service and not directly from a local florist; requiring a floral wire service to
7 provide to local florists or third-party sellers a method for submitting charge
8 disputes; requiring a floral wire service to make all payments to local florists or
9 third-party sellers within a certain period of time; prohibiting a floral wire service
10 from refunding a customer payment before paying a certain balance; and generally
11 relating to the business practices of floral wire services.

12 BY repealing and reenacting, with amendments,
13 Article – Commercial Law
14 Section 13–301(14)(xxxiv) and (xxxv)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Commercial Law
19 Section 13–301(14)(xxxvi) and 14–1327
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2021 Supplement)

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

24 **Article – Commercial Law**

25 13–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxxiv) The federal Servicemembers Civil Relief Act; [or]

(xxxv) [§] SECTION 11–210 of the Education Article; or

(xxxvi) SECTION 14–1327 OF THIS ARTICLE; OR

14–1327.

(A) IN THIS SECTION, “FLORAL WIRE SERVICE” MEANS A BUSINESS ESTABLISHED TO FACILITATE ORDER EXCHANGE AND FULFILLMENT BETWEEN LOCAL FLORISTS OR THIRD–PARTY SALES OF FLORAL AND PLANT PRODUCTS.

(B) THIS SECTION APPLIES ONLY TO FLORAL WIRE SERVICES THAT CONDUCT BUSINESS IN THE STATE OR PRODUCE PRODUCTS OR SERVICES THAT ARE TARGETED TO RESIDENTS OF THE STATE.

(C) A FLORAL WIRE SERVICE SHALL:

(1) ADOPT CLEAR AND CONCISE BILLING PRACTICES IN DEALINGS WITH LOCAL FLORISTS OR THIRD–PARTY SELLERS;

(2) DISCLOSE TO THE CUSTOMER WHEN THE FLORAL WIRE SERVICE IS BUYING FROM A FLORAL WIRE SERVICE AND NOT DIRECTLY FROM A LOCAL FLORIST;

(3) PROVIDE TO LOCAL FLORISTS OR THIRD–PARTY SELLERS A METHOD FOR SUBMITTING CHARGE DISPUTES; AND

(4) MAKE ALL PAYMENTS TO LOCAL FLORISTS OR THIRD–PARTY SELLERS WITHIN 15 CALENDAR DAYS AFTER THE DATE OF DELIVERY.

(D) A FLORAL WIRE SERVICE MAY NOT REFUND PAYMENT TO A CUSTOMER BEFORE PAYING THE TOTAL BALANCE OWED TO THE LOCAL FLORIST OR THIRD–PARTY SELLER.

(E) A VIOLATION OF THIS SECTION IS:

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

1 **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**
2 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
4 1, 2022.