

HOUSE BILL 27

I3
HB 1459/22 – ECM

(PRE-FILED)

3lr0862

By: **Delegate Griffith**

Requested: November 17, 2022

Introduced and read first time: January 11, 2023

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2023

CHAPTER _____

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~~ customer is buying from
6 a floral wire service and not directly from a local florist; ~~requiring a floral wire service~~
7 ~~to 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)(xxxv)

15 Annotated Code of Maryland

16 (2013 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Commercial Law

19 Section 13–301(14)(xxxvi)

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2022 Supplement)

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.



1 BY adding to
 2 Article – Commercial Law
 3 Section 13–301(14)(xxxvii) and 14–1327
 4 Annotated Code of Maryland
 5 (2013 Replacement Volume and 2022 Supplement)

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

8 **Article – Commercial Law**

9 13–301.

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

11 (14) Violation of a provision of:

12 (xxxv) Section 11–210 of the Education Article; [or]

13 (xxxvi) Title 14, Subtitle 44 of this article; or

14 **(XXXVII) SECTION 14–1327 OF THIS ARTICLE; OR**

15 **14–1327.**

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

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

22 **(C) A FLORAL WIRE SERVICE SHALL:**

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

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

28 ~~**(3) PROVIDE TO LOCAL FLORISTS OR THIRD PARTY SELLERS A**~~
 29 ~~**METHOD FOR SUBMITTING CHARGE DISPUTES; AND**~~

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

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.