

# HOUSE BILL 194

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5lr0623

(PRE-FILED)

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By: **Delegate Conaway**

Requested: June 26, 2024

Introduced and read first time: January 8, 2025

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 12, 2025

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Retail Sales – Payment or Reimbursement of Shipping**  
3 **Costs**

4 FOR the purpose of requiring that a merchant provide a prepaid shipping label or a refund  
5 for shipping costs to a consumer who received an ~~incorrect~~ item that is damaged,  
6 faulty, or sent in error within a certain period of time after a certain request is made  
7 or a certain item is received; making a violation of this Act an unfair, abusive, or  
8 deceptive trade practice that is subject to enforcement and certain civil penalties  
9 under the Maryland Consumer Protection Act; and generally relating to consumer  
10 retail transactions.

11 BY repealing and reenacting, with amendments,

12 Article – Commercial Law

13 Section 13–301(14)(xlv)

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2024 Supplement)

16 (As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the

17 General Assembly of 2024)

18 BY repealing and reenacting, without amendments,

19 Article – Commercial Law

20 Section 13–301(14)(xlv)

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2024 Supplement)

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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.



(As enacted by Chapters 262, 454, 455, 460, 461, 463, and 962 of the Acts of the General Assembly of 2024)

BY adding to

Article – Commercial Law

Section 13–301(14)(xlvi) and 14–1328

Annotated Code of Maryland

(2013 Replacement Volume and 2024 Supplement)

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

**Article – Commercial Law**

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xiv) Title 14, Subtitle 49 of this article; [or]

(xlv) Section 12–6C–09.1 of the Health Occupations Article; or

**(XLVI) SECTION 14–1328 OF THIS ARTICLE; OR**

**14–1328.**

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

**(2) “CONSUMER” MEANS THE PURCHASER, OTHER THAN FOR PURPOSES OF RESALE, OF CONSUMER GOODS, CONSUMER SERVICES, OR CONSUMER CREDIT.**

**(3) “MERCHANT” HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.**

**(4) “RETAIL SALE” MEANS THE SALE OF CONSUMER GOODS BY A MERCHANT TO A CONSUMER FOR:**

**(I) THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY THE CONSUMER; OR**

**(II) THE BENEFIT OR SATISFACTION THAT THE CONSUMER MAY DERIVE FROM THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY ANOTHER.**

1 (B) A CONSUMER MAY REQUEST THAT A MERCHANT PAY OR REFUND THE  
2 FULL AMOUNT OF SHIPPING COSTS THE CONSUMER INCURS TO RETURN AN  
3 INCORRECT ITEM THAT IS DAMAGED, FAULTY, OR SENT IN ERROR THAT THE  
4 CONSUMER RECEIVES FROM THE MERCHANT IN CONNECTION WITH A RETAIL SALE.

5 (C) A MERCHANT THAT RECEIVES A PAYMENT OR REFUND REQUEST FROM  
6 A CONSUMER UNDER SUBSECTION (B) OF THIS SECTION SHALL:

7 (1) PROVIDE THE CONSUMER A PREPAID SHIPPING LABEL AFTER  
8 RECEIVING THE REFUND REQUEST; OR

9 (2) ~~REFUND~~ REFUND THE CONSUMER'S FULL INCURRED SHIPPING  
10 COSTS TO THE CONSUMER WITHIN 30 DAYS AFTER RECEIVING THE ~~REFUND~~  
11 REQUEST RETURNED ITEM FROM THE CONSUMER IN ITS ORIGINAL CONDITION.

12 (D) A VIOLATION OF THIS SECTION IS:

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

15 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS  
16 CONTAINED IN TITLE 13 OF THIS ARTICLE, EXCEPT § 13-411 OF THIS ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2025.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.