

Chapter 457

(House Bill 752)

AN ACT concerning

Criminal Law – Theft and Fraud Crimes – Valuation and Forgery of Gift Cards

FOR the purpose of providing for the valuation of a gift card for the purpose of determining value for crimes involving theft; prohibiting a person, with the intent to defraud another, from altering or tampering with a gift card or its packaging; and generally relating to crimes involving gift cards.

BY repealing and reenacting, without amendments,

Article – Commercial Law
Section 14–4901(a), (b), and (e)
Annotated Code of Maryland
(2025 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 7–103(a) and (b)
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

BY adding to

Article – Criminal Law
Section 7–103(h) and 8–409
Annotated Code of Maryland
(2021 Replacement Volume and 2025 Supplement)

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

Article – Commercial Law

14–4901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Closed–loop gift card” means a card, code, or device that is:

(1) Issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment; and

(2) Redeemable on presentation by a consumer at a single merchant or a group of affiliated merchants.

(e) “Open–loop gift card” means a card, code, or device that is:

(1) Issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment;

(2) Payment card network branded; and

(3) (i) Redeemable on presentation at multiple unaffiliated merchants for goods or services within the payment card network; or

(ii) Usable at an automated teller machine.

Article – Criminal Law

7–103.

(a) In this section, “value” means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) Except as provided in § 7–104.1 of this subtitle, the value of property or service under this part shall be determined in accordance with this section.

(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “CLOSED–LOOP GIFT CARD” HAS THE MEANING STATED IN § 14–4901 OF THE COMMERCIAL LAW ARTICLE.

(III) 1. “GIFT CARD” MEANS AN OPEN–LOOP GIFT CARD OR A CLOSED–LOOP GIFT CARD.

2. “GIFT CARD” DOES NOT INCLUDE:

A. A CREDIT CARD;

B. AN ELECTRONIC FUNDS TRANSFER; OR

C. MONEY, A CHECK, A DRAFT, OR ANY OTHER SIMILAR PAPER INSTRUMENT.

(IV) "OPEN-LOOP GIFT CARD" HAS THE MEANING STATED IN § 14-4901 OF THE COMMERCIAL LAW ARTICLE.

(2) THE VALUE OF A GIFT CARD IS THE GREATEST OF:

(I) 1. THE HIGHEST VALUE REPRESENTED LISTED ON THE FACE OF THE GIFT CARD; OR ITS PACKAGING; OR

2. \$100, IF NO VALUE IS LISTED ON THE GIFT CARD OR ITS PACKAGING; OR

~~(II) THE VALUE THAT A DEFENDANT WHO IS ALLEGED TO HAVE VIOLATED THIS SUBTITLE REPRESENTED THE VALUE OF THE GIFT CARD TO BE; OR~~

~~(III) THE AMOUNT OF LOSS INCURRED BY ANY PERSON INVOLVING THE USE OF THE GIFT CARD.~~

8-409.

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

(2) "CLOSED-LOOP GIFT CARD" HAS THE MEANING STATED IN § 14-4901 OF THE COMMERCIAL LAW ARTICLE.

(3) (I) "GIFT CARD" MEANS AN OPEN-LOOP GIFT CARD OR A CLOSED-LOOP GIFT CARD.

(II) "GIFT CARD" DOES NOT INCLUDE:

1. A CREDIT CARD;

2. AN ELECTRONIC FUNDS TRANSFER; OR

3. MONEY, A CHECK, A DRAFT, OR ANY OTHER SIMILAR PAPER INSTRUMENT.

(4) "OPEN-LOOP GIFT CARD" HAS THE MEANING STATED IN § 14-4901 OF THE COMMERCIAL LAW ARTICLE.

(B) A PERSON MAY NOT, WITH THE INTENT TO DEFRAUD ANOTHER, ALTER OR TAMPER WITH A GIFT CARD OR ITS PACKAGING.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF GIFT CARD FORGERY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, May 12, 2026.