

Chapter 714

(House Bill 191)

AN ACT concerning

**Consumer Protection – Retail Transactions for Essential Consumer Goods –
Cash Payments**

FOR the purpose of prohibiting a merchant, in a certain transaction *between certain hours*, from prohibiting a person from making a cash payment to purchase ~~a~~ an essential consumer good or service, requiring a person to purchase ~~a~~ an essential consumer good or service by using a credit or debit card, or charging or collecting from a person a ~~fee~~ higher price than for an equivalent cashless transaction for making a cash payment for the purchase of ~~a~~ an essential consumer good or service, subject to certain exceptions; establishing that a violation of this Act is an unfair, abusive, or deceptive trade practice subject to certain enforcement and penalty provisions under the Maryland Consumer Protection Act; and generally relating to retail cash transactions for essential consumer goods.

BY repealing and reenacting, with amendments,

Article – Commercial Law
Section 13–301(14)(xlvii)
Annotated Code of Maryland
(2025 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Commercial Law
Section 13–301(14)(xlviii)
Annotated Code of Maryland
(2025 Replacement Volume)

BY adding to

Article – Commercial Law
Section 13–301(14)(xlix) and 14–1330
Annotated Code of Maryland
(2025 Replacement Volume)

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:

(xlvii) Title 14, Subtitle 50 of this article; [or]

(xlviii) Section 13–411.1(c)(2) of the Transportation Article; or

(XLIX) SECTION 14–1330 OF THIS ARTICLE; OR

14–1330.

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

(2) “CONSUMER GOODS” HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.

(3) “ESSENTIAL CONSUMER GOOD” MEANS:

(I) FOOD, INCLUDING HUMAN AND ANIMAL FOOD;

(II) WATER, INCLUDING ICE, AND OTHER BEVERAGES;

(III) PERSONAL HYGIENE PRODUCTS, INCLUDING TOILETRIES AND CLEANING PRODUCTS;

(IV) HEALTH PRODUCTS, INCLUDING MEDICINE, MEDICAL SUPPLIES AND EQUIPMENT, AND PERSONAL PROTECTIVE EQUIPMENT; AND

(V) FUEL.

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

(5) “RETAIL ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT SELLS CONSUMER GOODS TO THE PUBLIC.

(B) (1) THIS SECTION APPLIES ONLY TO AN IN-PERSON ~~RETAIL~~ TRANSACTION AT A RETAIL ESTABLISHMENT TOTALING ~~AT LEAST \$5 AND~~ LESS THAN \$300.

(2) THIS SECTION DOES NOT APPLY TO:

(I) A TELEPHONE, MAIL, OR INTERNET TRANSACTION; ~~OR~~

(II) A VENDING MACHINE OR KIOSK TRANSACTION; ~~OR~~

(III) A TRANSACTION WITH A MERCHANT THAT SELLS TO THE PUBLIC PRIMARILY:

1. FOOD OR BEVERAGES FOR ON-PREMISES CONSUMPTION; OR

2. A LIMITED VARIETY OF GOURMET OR SPECIALTY FOODS, INCLUDING CHEESES, FRUITS, NUTS, CANDY, SPICES, AND OILS; OR

(IV) THE PURCHASE OF FUEL FROM A MERCHANT THAT SELLS FUEL TO THE PUBLIC BUT REQUIRES A PAID MEMBERSHIP TO PURCHASE THE FUEL.

~~(I) A TRANSACTION TO PAY TO PARK A VEHICLE IN:~~

~~1. A PARKING LOT OR GARAGE; OR~~

~~2. A METERED PARKING SPACE.~~

(C) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, BETWEEN THE HOURS OF 6 A.M. AND 10 P.M. A MERCHANT MAY NOT:

(1) PROHIBIT A PERSON FROM MAKING A CASH PAYMENT TO PURCHASE ~~A~~ AN ESSENTIAL CONSUMER GOOD ~~OR SERVICE~~;

(2) REQUIRE A PERSON TO USE A CREDIT OR DEBIT CARD TO PURCHASE ~~A~~ AN ESSENTIAL CONSUMER GOOD ~~OR SERVICE~~; OR

(3) CHARGE OR COLLECT FROM A PERSON A HIGHER PRICE THAN CHARGED OR COLLECTED FOR AN EQUIVALENT CASHLESS TRANSACTION, WHETHER OR NOT THE DIFFERENCE IN PRICE IS DESCRIBED AS A FEE, FOR MAKING A CASH PAYMENT FOR THE PURCHASE OF ~~A~~ AN ESSENTIAL CONSUMER GOOD ~~OR SERVICE~~.

(D) (1) A MERCHANT MAY PROHIBIT A PERSON FROM MAKING A CASH PAYMENT FOR THE PURCHASE OF A CONSUMER GOOD:

~~(1)~~ (I) IN A CASH DENOMINATION GREATER THAN \$20; OR

~~(2)~~ (II) IF THE MERCHANT:

~~(1)~~ 1. PROVIDES AND MAINTAINS A DEVICE ON THE PREMISES OF THE ESTABLISHMENT THAT CONVERTS CASH INTO A PREPAID CARD

THAT A PERSON MAY USE TO PURCHASE A CONSUMER GOOD AT THE ESTABLISHMENT;

~~(H)~~ **2. DOES NOT CHARGE ANY FEE OR REQUIRE A DEPOSIT;**
AND

~~(H)~~ **3. IF THE DEVICE MALFUNCTIONS OR BECOMES INOPERABLE, ACCEPTS PAYMENT IN CASH IN ACCORDANCE WITH THIS SECTION UNTIL THE DEVICE RESUMES NORMAL OPERATIONS.**

(2) A MERCHANT MAY COLLECT FROM A PERSON AN ADDITIONAL AMOUNT NOT EXCEEDING 4 CENTS WHEN ROUNDING THE PRICE FOR AN ESSENTIAL CONSUMER GOOD IN ACCORDANCE WITH APPLICABLE LAW.

~~(D)~~ **(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

(2) EXCEPT AS PROVIDED IN SUBSECTION ~~(E)~~ (F) OF THIS SECTION, SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

~~(E)~~ **(F) (1) SECTIONS 13-410(A) AND (B) AND 13-411 OF THIS ARTICLE DO NOT APPLY TO A VIOLATION OF THIS SECTION.**

(2) THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL SHALL PROVIDE A MERCHANT WHO VIOLATES THIS SECTION WITH AT LEAST TWO SEPARATE OPPORTUNITIES TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(3) (I) A MERCHANT WHO VIOLATES THIS SECTION AFTER TWO SEPARATE OPPORTUNITIES TO COMPLY UNDER PARAGRAPH (2) OF THIS SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING ~~\$5,000~~ \$500 FOR EACH VIOLATION.

(II) A MERCHANT WHO VIOLATES THIS SECTION AFTER HAVING BEEN FINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUBJECT TO A FINE NOT EXCEEDING ~~\$10,000~~ \$1,000 FOR EACH SUBSEQUENT VIOLATION.

(III) THE FINES PROVIDED FOR IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH:

1. ARE CIVIL PENALTIES RECOVERABLE IN ACCORDANCE WITH § 13-410(C) OF THIS ARTICLE; AND
2. SHALL BE SET IN ACCORDANCE WITH § 13-410(D) OF THIS ARTICLE.

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

Approved by the Governor, May 26, 2026.