

HOUSE BILL 752

E1

6lr1407
CF SB 437

By: **Delegates Toles, J. Long, T. Morgan, Roberson, Roberts, Schmidt, Simmons, Taylor, ~~and Woods~~ Woods, Valentine, Phillips, McComas, Moreno, and Conaway**

Introduced and read first time: February 4, 2026
Assigned to: Economic Matters
Reassigned: Judiciary, February 11, 2026

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 2026

CHAPTER _____

1 AN ACT concerning

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

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

7 BY repealing and reenacting, without amendments,
8 Article – Commercial Law
9 Section 14–4901(a), (b), and (e)
10 Annotated Code of Maryland
11 (2025 Replacement Volume)

12 BY repealing and reenacting, without amendments,
13 Article – Criminal Law
14 Section 7–103(a) and (b)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2025 Supplement)

17 BY adding to
18 Article – Criminal Law
19 Section 7–103(h) and 8–409

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 Annotated Code of Maryland
2 (2021 Replacement Volume and 2025 Supplement)

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

5 **Article – Commercial Law**

6 14–4901.

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

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

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

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

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

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

18 (2) Payment card network branded; and

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

21 (ii) Usable at an automated teller machine.

22 **Article – Criminal Law**

23 7–103.

24 (a) In this section, “value” means:

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

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

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

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

5 (II) “CLOSED–LOOP GIFT CARD” HAS THE MEANING STATED IN
6 § 14–4901 OF THE COMMERCIAL LAW ARTICLE.

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

9 2. “GIFT CARD” DOES NOT INCLUDE:

10 A. A CREDIT CARD;

11 B. AN ELECTRONIC FUNDS TRANSFER; OR

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

14 (IV) “OPEN–LOOP GIFT CARD” HAS THE MEANING STATED IN §
15 14–4901 OF THE COMMERCIAL LAW ARTICLE.

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

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

19 2. \$100, IF NO VALUE IS LISTED ON THE GIFT CARD OR
20 ITS PACKAGING; OR

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

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

25 8–409.

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

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

3 **(3) (I) “GIFT CARD” MEANS AN OPEN-LOOP GIFT CARD OR A**
4 **CLOSED-LOOP GIFT CARD.**

5 **(II) “GIFT CARD” DOES NOT INCLUDE:**

6 **1. A CREDIT CARD;**

7 **2. AN ELECTRONIC FUNDS TRANSFER; OR**

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

10 **(4) “OPEN-LOOP GIFT CARD” HAS THE MEANING STATED IN §**
11 **14-4901 OF THE COMMERCIAL LAW ARTICLE.**

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.