

# SENATE BILL 437

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6lr2760  
CF HB 752

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By: **Senator Folden**

Introduced and read first time: January 30, 2026

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2026

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## 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

20 Annotated Code of Maryland

21 (2021 Replacement Volume and 2025 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.



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

3 **Article – Commercial Law**

4 14–4901.

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

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

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

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

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

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

16 (2) Payment card network branded; and

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

19 (ii) Usable at an automated teller machine.

20 **Article – Criminal Law**

21 7–103.

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

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

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

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

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

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

5 (III) 1. "GIFT CARD" MEANS AN OPEN-LOOP GIFT CARD OR A  
6 CLOSED-LOOP GIFT CARD.

7 2. "GIFT CARD" DOES NOT INCLUDE:

8 A. A CREDIT CARD;

9 B. AN ELECTRONIC FUNDS TRANSFER; OR

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

12 (IV) "OPEN-LOOP GIFT CARD" HAS THE MEANING STATED IN §  
13 14-4901 OF THE COMMERCIAL LAW ARTICLE.

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

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

17 2. \$100, IF NO VALUE IS LISTED ON THE GIFT CARD OR  
18 ITS PACKAGING; OR

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

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

23 8-409.

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

26 (2) "CLOSED-LOOP GIFT CARD" HAS THE MEANING STATED IN §  
27 14-4901 OF THE COMMERCIAL LAW ARTICLE.

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

3                   **(II) "GIFT CARD" DOES NOT INCLUDE:**

- 4                               **1. A CREDIT CARD;**
- 5                               **2. AN ELECTRONIC FUNDS TRANSFER; OR**
- 6                               **3. MONEY, A CHECK, A DRAFT, OR ANY OTHER SIMILAR**  
7 **PAPER INSTRUMENT.**

8                   **(4) "OPEN-LOOP GIFT CARD" HAS THE MEANING STATED IN §**  
9 **14-4901 OF THE COMMERCIAL LAW ARTICLE.**

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.