

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

LEONARD HOWIE
Deputy Attorney General

ANTHONY G. BROWN
Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6592

January 30, 2024

TO: The Honorable C.T. Wilson
Chair, Economic Matters Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: House Bill 53-Task Force to Study E-Commerce Monopolies in the State
(E-Commerce Antimonopoly Study of 2024) – **Letter of Information**

The Office of the Attorney General (OAG) submits this *letter of information* to the Economic Matters Committee regarding House Bill 53 - Task Force to Study E-Commerce Monopolies in the State (E-Commerce Antimonopoly Study of 2024).

House Bill 53 establishes the Task Force to Study E-Commerce Monopolies in the State to investigate the business practices and industry impacts of e-commerce businesses that individually have annual revenue exceeding \$10,000,000,000, have a presence in the State, and that are engaged in selling on their own online platforms first-and third-party products. House Bill 53 also requires the OAG to provide staff for the Task Force.

The Antitrust Division of the OAG is charged with enforcing State and federal antitrust laws where there is a particular impact on the economy and/or citizens of Maryland. Operationally, the House Bill 53 would reduce resources currently available for those enforcement efforts unless there is provision made for additional related human resources. House Bill 53 would require an individual from the Antitrust Division to, at a minimum, attend regular Task Force meetings, legal and policy research and writing, and final report drafting. Currently, the Antitrust Division has

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

three Assistant Attorneys General who are engaged in complex multistate and local cases and investigations involving some of the national economy's largest players. The Division's current bandwidth to engage in additional non-enforcement tasks is extremely limited.

Additionally, while the Antitrust Division does specialize in antitrust and monopolies, the OAG does not believe that we are the appropriate organization to staff this Task Force. The Antitrust Division of the OAG specializes in legal research, analysis, and investigations, not the type of policy analysis that House Bill 53 would require, such as analyzing e-commerce platforms and gaging business practices in e-commerce.

The Office of the Attorney General requests that you take the above information into consideration when deliberating **House Bill 53**.

cc: Delegate Chao Wu