

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Deputy Attorney General*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

**ANTHONY G. BROWN**  
*Attorney General*

**WILLIAM D. GRUHN**  
*Division Chief*

**STEVEN M. SAKAMOTO-WENGEL**  
*Deputy Division Chief*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief of Staff*

**WILSON MEEKS**  
*Assistant Attorney General*

March 31, 2026

To: The Honorable Kriselda Valderrama  
Chair, House Economic Matters Committee

From: Wilson Meeks  
Nora Nichols  
Consumer Protection Division  
Office of the Attorney General

Re: Senate Bill 94 – Commercial Law – Earned Wage Access – Revisions (FAVORABLE)

---

The Office of the Attorney General (“OAG”) supports Senate Bill 94, introduced by the Office of Financial Regulation (“OFR”) within the Maryland Department of Labor. Senate Bill 94 seeks to address concerns about recent Maryland law regarding earned wage access (“EWA”) that (i) authorized all Maryland lenders to solicit and accept “tips, gratuity and other donations” from consumers, and (ii) exempted EWA lenders from Maryland lending laws prohibiting false advertising and discrimination in lending on the basis of race, color, creed, national origin, sex, sexual orientation, gender identity, disability, marital status, or age.

The Earned Wage Access and Credit Modernization Act (“EWA Act”)(Chapter 847 (2025)), which became effective October 1, 2025 without the Governor’s signature, expressly exempted EWA lenders from a catalogue of legal protections for Maryland consumers absent any stated reason. These exceptions included consumer protections against false advertising and discrimination on the basis of race, gender, and other protected categories. Senate Bill 94 would reinstate the applicability of the antidiscrimination and false advertising prohibitions in Title 12 of the Commercial Law Article §§12-304, 305, and 316.1 to EWA lenders. This reasonable change is necessary to protect Maryland consumers.

The EWA Act also expressly authorized any lender in Maryland (not just EWA lenders) to solicit and charge a tip to consumers, in addition to other authorized fees and interest, a practice that is unnecessary, manipulative, and unfair. Lenders’ solicitation of tips implies that the funds

go to individuals for providing a service or are somehow generous or altruistic. A tip to a lender, however, is just an additional finance charge to a company for profit; it is not a tip for good service and does not go to individuals providing a service. Moreover, EWA lenders, for example, historically have used predatory tactics such as disabling services if borrowers do not tip, making it hard to avoid tipping in user interfaces, making it unclear whether the tip is optional, and misleadingly claiming or implying that tips or “donations” are used to help other consumers.<sup>1</sup> While the law currently requires a disclosure to consumers that “tips” are voluntary and optional nor do they impact lending determinations, in practice companies “deploy a host of techniques from behavioral economics to pressure users into tipping each time a loan is requested.”<sup>2</sup>

As Governor Moore aptly noted in his no veto letter dated May 20, 2025, the EWA Act “will need continued work to ensure that this access to capital is maintained while ensuring that predatory practices are unable to take root.” It is especially important to strengthen consumer protections in EWA lending and other proposed legislation in Maryland given the Trump Administration’s ongoing evisceration of federal consumer financial protections and the Consumer Financial Protection Bureau. Accordingly, for the reasons set forth, the Office of the Attorney General requests that the House Economic Matters Committee give Senate Bill 94 a favorable report.

cc. Members, House Economic Matters Committee

---

<sup>1</sup> See *Initial Statement of Reasons for the Proposed Adoption of Regulations*, STATE OF CALIFORNIA DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION, at pgs. 61-62, available at <https://dfpi.ca.gov/wp-content/uploads/sites/337/2023/03/PRO-01-21-ISOR.pdf>.

<sup>2</sup> *Paying to be Paid: Consumer Protections Needed for Earned Wage Advances and Other Fintech Cash Advances*, CENTER FOR RESPONSIBLE LENDING (October 2025), at pg. 5-6 <https://www.responsiblelending.org/sites/default/files/nodes/files/research-publication/crl-ewa-brief-payingpaid-oct2024.pdf>