SENATE BILL 179

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By: Senator Kagan

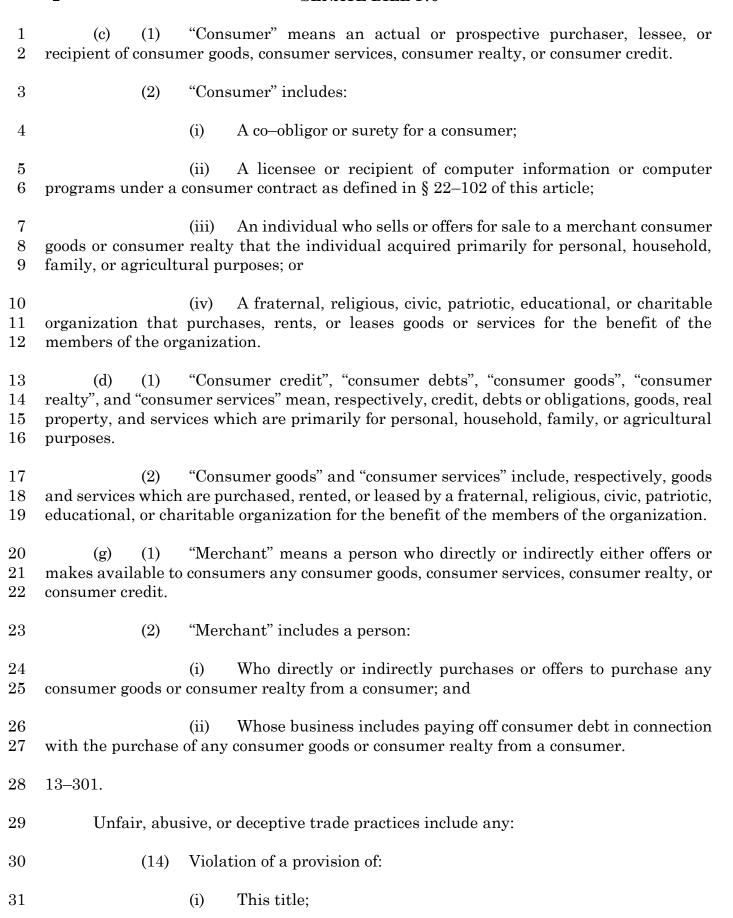
Introduced and read first time: January 20, 2023

Assigned to: Finance

A BILL ENTITLED

1	AN ACT concerning
2	Consumer Protection – Retail Sales – Return and Exchange Policy
3	(Right to Refund Information Act)
4	FOR the purpose of requiring, before the completion of certain retail sales transactions,
5	that merchants provide to consumers notice of the merchants' refund and exchange
6	policies or policies of no refunds or exchanges in a certain manner; making a violation
7	of this Act an unfair, deceptive, or abusive trade practice that is subject to
8	enforcement and penalties under the Maryland Consumer Protection Act; and
9	generally relating to merchant-to-consumer retail sales transactions.
10	BY repealing and reenacting, without amendments,
11	Article – Commercial Law
12	Section 13–101(a), (c), (d), and (g) and 13–301(14)(i)
13	Annotated Code of Maryland
14	(2013 Replacement Volume and 2022 Supplement)
15	BY adding to
16	Article – Commercial Law
17	Section 13–321
18	Annotated Code of Maryland
19	(2013 Replacement Volume and 2022 Supplement)
20	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21	That the Laws of Maryland read as follows:
22	Article - Commercial Law
23	13–101.
24	(a) In this title the following words have the meanings indicated.





1 **13–321.**

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- 2 (A) (1) IN THIS SECTION, "RETAIL SALE" MEANS THE SALE OF CONSUMER 3 GOODS BY A MERCHANT TO A CONSUMER FOR:
- 4 (I) THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY 5 THE CONSUMER; OR
- 6 (II) THE BENEFIT OR SATISFACTION THAT THE CONSUMER MAY 7 DERIVE FROM THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY ANOTHER.
- 8 (2) "RETAIL SALE" DOES NOT INCLUDE THE SALE OF CONSUMER 9 GOODS FOR RESALE BY THE PURCHASER.
- 10 (B) BEFORE THE COMPLETION OF ANY RETAIL SALE TRANSACTION A
 11 MERCHANT SHALL PROVIDE TO THE CONSUMER MAKING THE PURCHASE NOTICE OF
 12 THE MERCHANT'S REFUND AND EXCHANGE POLICY OR POLICY OF NO REFUNDS OR
 13 EXCHANGES BY CONSPICUOUSLY DISPLAYING THE NOTICE:

(1)

15 (I) ON A LABEL AFFIXED TO THE CONSUMER GOODS BEING 16 SOLD; OR

FOR IN-PERSON RETAIL SALES:

- 17 (II) AT THE LOCATION WHERE THE TRANSACTION OCCURS; OR
- 18 (2) FOR ONLINE RETAIL SALES, ON A WEBPAGE THE CONSUMER MUST 19 VIEW BEFORE COMPLETING THE TRANSACTION.
- 20 (C) THE REQUIREMENTS OF THIS SECTION MAY NOT BE SATISFIED BY ONLY 21 STATING A REFUND AND EXCHANGE POLICY OR POLICY OF NO REFUNDS OR 22 EXCHANGES:
- 23 (1) IN A MERCHANT'S TERMS AND CONDITIONS OF SERVICE; OR
- 24 (2) ON A RECEIPT PROVIDED TO A CONSUMER ON COMPLETION OF A 25 TRANSACTION.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.