

HOUSE BILL 53

I4, C2

4lr0944

(PRE-FILED)

By: **Delegate Wu**

Requested: October 12, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: February 14, 2024

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study E-Commerce Monopolies in the State**
3 **(E-Commerce Antimonopoly Study of 2024)**

4 FOR the purpose of establishing the Task Force to Study E-Commerce Monopolies in the
5 State; and generally relating to electronic commerce and markets in the State.

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That:

8 (a) There is a Task Force to Study E-Commerce Monopolies in the State.

9 (b) The Task Force consists of the following members:

10 (1) three members of the Senate of Maryland, appointed by the President
11 of the Senate;

12 (2) three members of the House of Delegates, appointed by the Speaker of
13 the House;

14 (3) the Attorney General, or the Attorney General's designee;

15 (4) one representative of the Antitrust Division of the Office of the Attorney
16 General, appointed by the Attorney General; and

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 (5) the following members, appointed by the Governor:

2 (i) one representative of the e-commerce industry;

3 (ii) one representative of small businesses that conduct transactions
4 as third-party sellers on online e-commerce platforms; and

5 (iii) one representative of the small business community in the State.

6 (c) The Attorney General, or the Attorney General's designee, shall designate the
7 chair of the Task Force.

8 (d) The Office of the Attorney General shall provide staff for the Task Force.

9 (e) A member of the Task Force:

10 (1) may not receive compensation as a member of the Task Force; but

11 (2) is entitled to reimbursement for expenses under the Standard State
12 Travel Regulations, as provided in the State budget.

13 (f) The Task Force shall:

14 (1) study the business practices and industry impacts of e-commerce
15 businesses that individually have annual revenue exceeding \$10,000,000,000, have a
16 presence in the State, and are engaged in selling on their own online platforms first- and
17 third-party products, for the purpose of:

18 (i) determining to what extent, if any:

19 ~~(i)~~ 1. e-commerce businesses have a monopoly in the
20 e-commerce industry in the State;

21 ~~(ii)~~ 2. e-commerce businesses appear to copy and sell first-party
22 products on their online platforms in a manner that substantially resembles the products
23 of third-party sellers that are also being sold on the same online platforms;

24 ~~(iii)~~ 3. e-commerce businesses utilize tools, methods, algorithms,
25 or customer data to unfairly give priority to and promote the sale of the first-party products
26 that substantially resemble third-party products as described under item ~~(ii)~~ 2 of this item;
27 and

28 ~~(iv)~~ 4. the business practices and industry impacts of
29 e-commerce businesses described in items ~~(i)~~ 1 through ~~(iii)~~ 3 of this item harm small
30 businesses in the State and create unfair competition; and

1 (ii) reviewing the data policies of the e-commerce businesses,
2 including policies regarding the security and sale of personal data of consumers;

3 (2) identify the ownership and country of origin of the parent companies of
4 the e-commerce businesses described under item (1) of this subsection; and

5 (3) make recommendations regarding potential methods to regulate
6 e-commerce platforms as described under item (1) of this subsection for the purpose of
7 enhancing and promoting small businesses and protecting consumers in the State.

8 (g) On or before December 1, 2024, the Task Force shall report its findings and
9 recommendations to the General Assembly in accordance with § 2-1257 of the State
10 Government Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2024. It shall remain effective for a period of 1 year and 1 month and, at the end of June
13 30, 2025, this Act, with no further action required by the General Assembly, shall be
14 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.