

HOUSE BILL 144

I4

6lr1138

(PRE-FILED)

By: **Delegate Vogel**

Requested: October 9, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Fair Pricing and Market Competition Fund – Establishment**

3 FOR the purpose of establishing the Fair Pricing and Market Competition Fund as a
4 special, nonlapsing fund to provide additional operating funds for the Antitrust
5 Division of the Office of the Attorney General; and generally relating to the Fair
6 Pricing and Market Competition Fund.

7 BY renumbering

8 Article – Commercial Law

9 Section 11–213

10 to be Section 11–214

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Commercial Law

15 Section 11–204(a) and 11–209(a)(1)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Commercial Law

20 Section 11–209(a)(4)

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2025 Supplement)

23 BY adding to

24 Article – Commercial Law

25 Section 11–213

26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2013 Replacement Volume and 2025 Supplement)

2 **SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,**

3 That Section(s) 11–213 of Article – Commercial Law of the Annotated Code of Maryland be
4 renumbered to be Section(s) 11–214.

5 **SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read**

6 as follows:

7 **Article – Commercial Law**

8 11–204.

9 (a) A person may not:

10 (1) By contract, combination, or conspiracy with one or more other persons,
11 unreasonably restrain trade or commerce;

12 (2) Monopolize, attempt to monopolize, or combine or conspire with one or
13 more other persons to monopolize any part of the trade or commerce within the State, for
14 the purpose of excluding competition or of controlling, fixing, or maintaining prices in trade
15 or commerce;

16 (3) Directly or indirectly discriminate in price among purchasers of
17 commodities or services of like grade and quality, if the effects of the discrimination may:

18 (i) Substantially lessen competition;

19 (ii) Tend to create a monopoly in any line of trade or commerce; or

20 (iii) Injure, destroy, or prevent competition with any person who
21 grants or knowingly receives the benefit of the discrimination or with customers of either
22 of them;

23 (4) In the course of commerce, pay or contract for the payment of anything
24 of value to or for the benefit of a customer of the person as compensation for or in
25 consideration of any service or facility furnished by or through the customer in connection
26 with the processing, handling, sale, or offering for sale of any service or commodity
27 manufactured, sold, or offered for sale by the person, unless the payment or consideration
28 is available on proportionally equal terms to all other customers competing in the
29 distribution of the service or commodity;

30 (5) Discriminate in favor of one purchaser against another purchaser of a
31 commodity bought for resale, with or without processing, by contracting to furnish,
32 furnishing, or contributing to the furnishing of any service or facility connected with the
33 processing, handling, sale, or offering for sale of the commodity on terms not accorded to
34 all purchasers on proportionally equal terms; or

1 (6) Lease or make a sale or contract for the sale of a patented or unpatented
2 commodity or service for use, consumption, enjoyment, or resale, or set a price charged for
3 the commodity or service or discount from or rebate on the price, on the condition,
4 agreement, or understanding that the lessee or purchaser will not use or deal in the
5 commodity or service of a competitor of the lessor or seller, if the effect of the lease, sale, or
6 contract for sale or the condition, agreement, or understanding may:

- 7 (i) Substantially lessen competition; or
8 (ii) Tend to create a monopoly in any line of trade or commerce.

9 11–209.

10 (a) (1) The Attorney General shall institute proceedings in equity to prevent
11 or restrain violations of § 11–204 of this subtitle and may require assistance from any
12 State's Attorney for that purpose.

13 (4) (i) In addition to the equitable remedies or other relief authorized
14 by this section, the court may assess against any person who violates § 11–204 of this
15 subtitle a civil penalty not exceeding \$10,000 for each violation, to be paid to the [General
16 Fund of the State] **FAIR PRICING AND MARKET COMPETITION FUND ESTABLISHED**
17 **UNDER § 11–213 OF THIS SUBTITLE.**

18 (ii) Each day that a violation of § 11–204 of this subtitle continues is
19 a separate violation.

20 **11–213.**

21 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 (2) **“DIVISION” MEANS THE ANTITRUST DIVISION OF THE OFFICE OF**
24 **THE ATTORNEY GENERAL.**

25 (3) **“FUND” MEANS THE FAIR PRICING AND MARKET COMPETITION**
26 **FUND.**

27 (B) **THERE IS A FAIR PRICING AND MARKET COMPETITION FUND.**

28 (C) **THE PURPOSE OF THE FUND IS TO PROVIDE ADDITIONAL FUNDING TO**
29 **SUPPORT THE DIVISION IN THE ENFORCEMENT OF THIS SUBTITLE.**

30 (D) **THE ATTORNEY GENERAL SHALL ADMINISTER THE FUND.**

1 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
2 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
4 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

5 (F) THE FUND CONSISTS OF:

6 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 11-209(A)(4) OF
7 THIS SUBTITLE;

8 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

9 (3) ANY OTHER CIVIL PENALTIES, DAMAGES, ATTORNEY'S FEES, OR
10 COSTS AWARDED TO THE STATE IN AN ACTION FILED UNDER THIS SUBTITLE; AND

11 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
12 THE BENEFIT OF THE FUND.

13 (G) THE FUND MAY BE USED ONLY TO SUPPORT THE OPERATIONS OF THE
14 DIVISION.

15 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
16 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

17 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
18 THE GENERAL FUND OF THE STATE.

19 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
20 WITH THE STATE BUDGET.

21 (J) MONEY EXPENDED FROM THE FUND FOR THE OPERATIONS OF THE
22 DIVISION IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF
23 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE OPERATIONS OF
24 THE DIVISION.

25 (K) FOR FISCAL YEARS 2028 THROUGH 2033, THE GOVERNOR SHALL
26 INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO THE FUND IN AN
27 AMOUNT SUFFICIENT TO EMPLOY ONE FULL-TIME INVESTIGATOR POSITION IN THE
28 DIVISION.

29 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning in fiscal year 2028,
30 a Position Identification Number (PIN) shall be created in the Antitrust Division of the
31 Office of the Attorney General for a full-time investigator position.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2026.