

CHAPTER 216  
(House Bill 263)

AN ACT to add a new Section 21A to Article 83 of the Annotated Code of Maryland (1965 Replacement Volume and 1967 Supplement), title "Sales and Notices," subtitle "Consumer Protection," to follow immediately after Section 21 thereof, ~~making it an unlawful practice under the Consumer Protection Act to offer notices for sale if the offer includes the voluntary or unsolicited sending of merchandise not actually ordered or requested by the recipient, and relating generally to this unlawful practice and its application~~ PROVIDING A DEFENSE IN ANY ACTION FOR THE RETURN OF MERCHANDISE OR FOR PAYMENT THEREOF WHERE THE MERCHANDISE WAS NOT ORDERED BY THE RECIPIENT AND PROVIDING THAT THE RECIPIENT MAY RETAIN SAID MERCHANDISE.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 21A be and it is hereby added to Article 83 of the Annotated Code of Maryland (1965 Replacement Volume and 1967 Supplement), title "Sales and Notices," subtitle "Consumer Protection," to follow immediately after Section 21 thereof, and to read as follows:

21A.

~~(a)~~ *It is an unlawful practice under this subtitle for a person, in any manner or by any means, to offer merchandise for sale if the offer includes the voluntary and unsolicited sending of merchandise not actually ordered or requested by the recipient.*

~~(b)~~ (A) *In any action for the return of the merchandise OR FOR PAYMENT FOR SAID MERCHANDISE, following the recipient's failure to return the merchandise to the sender, it is a complete defense that the merchandise was delivered voluntarily and DELIVERED TO THE RECIPIENT UNSOLICITED OR that the defendant RECIPIENT did not actually order or request the merchandise, AND THE RECIPIENT SHALL BE ENTITLED TO RETAIN FOR HIS OWN USE SAID MERCHANDISE.*

~~(c)~~ (B) *Nothing in this section applies to any television or sound radio broadcasting station or to any publisher or printer of a newspaper, magazine, or other form of printed advertising, who or which broadcasts, televises, publishes, or prints an advertisement for the offer to sell.*

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1968.

Approved April 10, 1968.

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CHAPTER 217  
(House Bill 267)

AN ACT to repeal and re-enact, with amendments, Section 4 of Article 35 of the Annotated Code of Maryland (1965 Replace-