



Committee: PS
Committee Review: At a future date
Staff: Christine Wellons, Chief Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #5B
March 17, 2026
Introduction

SUBJECT

Expedited Bill 16-26, Consumer Protection – Amendments (Financial Exploitation Protection Act)

Lead Sponsor: Councilmember Stewart

Co-Sponsors: Council President Fani-González, Councilmembers Friedson, Luedtke, and Evans, Council Vice-President Balcombe, and Councilmembers Sayles and Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Expedited Bill 16-26 would:

- (1) permit the Office of Consumer Protection to operate a voluntary mediation program;
- (2) define the term *vulnerable adult* under the consumer protection law;
- (3) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from a vulnerable adult;
- (4) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from an individual who is at least 68 years old; and
- (5) generally amend the law regarding consumer protection.

This report contains:

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MEMORANDUM

March 12, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 16-26, Consumer Protection – Amendments (Financial Exploitation Protection Act)

PURPOSE: Introduction – no Council votes required

Expedited Bill 16-26, Consumer Protection – Amendments (Financial Exploitation Protection Act), is scheduled for introduction on March 17, 2026. The Lead Sponsor is Councilmember Stewart. Co-Sponsors are Council President Fani-González, Councilmembers Friedson, Luedtke, and Evans, Council Vice-President Balcombe, and Councilmembers Sayles and Glass. A public hearing will be scheduled for a later date.

Expedited Bill 16-26 would:

- (1) permit the Office of Consumer Protection to operate a voluntary mediation program;
- (2) define the term *vulnerable adult* under the consumer protection law;
- (3) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from a vulnerable adult;
- (4) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from an individual who is at least 68 years old; and
- (5) generally amend the law regarding consumer protection.

BACKGROUND

As explained by the Lead Sponsor in the enclosed *Fact Sheet* © 4, the Financial Exploitation Protection Act is intended to “align our local consumer protection laws with Maryland Criminal Law §8-801 and Maryland Comm. Law § 13-204(a)(15), ensuring consistency with state law.”

The Maryland Criminal Law Article and Maryland Consumer Protection Act define “vulnerable adult” as “an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.” See Md. Code Ann., Criminal Law Article § 3-604.

Under the Criminal Law Article, § 8-801, “A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult's property.” In addition, “A person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property.” *Id.*

The Consumer Protection Division of the Attorney General’s office is authorized to “[b]ring a civil action for damages...against a person who violates § 8-801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim’s estate.”

BILL SPECIFICS

Protections for vulnerable adults and individuals at least 68 years old. The bill would define “vulnerable adult” as “an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.”

The bill would prohibit, as deceptive trade practices under the County’s consumer protection laws (Chapter 11 of the County Code):

- knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is a vulnerable adult with intent to deprive the vulnerable adult of the vulnerable adult’s property; or
- knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual’s property.

Under existing law, a deceptive trade practice is subject to enforcement under Section 11-11 of the County Code, which provides that a person who violates Chapter 11 has committed a Class A violation. In addition, “The Director may bring a civil action to enforce this Chapter [11] and may seek damages, restitution, the posting of a bond, or any other available legal or equitable relief, including declaratory, preliminary, temporary, or permanent relief.”

Mediation. In addition to expanding protections for individuals who are at least 68, and for “vulnerable adults,” the bill would explicitly permit the Office of Consumer Protection to operate a voluntary mediation program.

<u>This packet contains:</u>	<u>Circle #</u>
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Expedited Bill No. 16-26
Concerning: Consumer Protection –
Amendments (Financial Exploitation
Protection Act)
Revised: 3/11/2026 Draft No. 1
Introduced: March 17, 2026
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Stewart
Co-Sponsors: Council President Fani-González, Councilmembers Friedson, Luedtke, and Evans,
Council Vice-President Balcombe, and Councilmembers Sayles and Glass

AN EXPEDITED ACT to:

- (1) permit the Office of Consumer Protection to operate a voluntary mediation program;
- (2) define the term *vulnerable adult* under the consumer protection law;
- (3) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from a vulnerable adult;
- (4) prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from an individual who is at least 68 years old; and
- (5) generally amend the law regarding consumer protection.

By amending

Chapter 11, Consumer Protection
Sections 11-1, 11-2, and 11-4

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

27 reasonably should know is a vulnerable adult with intent to deprive the
28 vulnerable adult of the vulnerable adult's property; or
29 **(bb)** knowingly and willfully obtaining by deception, intimidation, or undue
30 influence the property of an individual that the person knows or
31 reasonably should know is at least 68 years old, with intent to deprive
32 the individual of the individual's property.

33 **Sec. 2. Effective Date.** The Council declares that this legislation is necessary
34 for the immediate protection of the public interest. This Act takes effect on the date
35 on which it becomes law.

36 **Sec. 3. Short Title.** This bill may be cited as the *Financial Exploitation*
37 *Protection Act.*

Office of Councilmember Kate Stewart
Financial Exploitation Protection Act - Fact Sheet

Why do we need this bill?

- The Financial Exploitation Protection Act will align our local consumer protection laws with Maryland [Criminal Law §8-801](#) and Maryland [Comm. Law § 13-204\(a\)\(15\)](#), ensuring consistency with state law.
- This bill will provide the Montgomery County Office of Consumer Protection with the authority and tools necessary to effectively deter and address deceptive trade practices, including those targeting our residents who are most vulnerable.
- It will expand for adults considered vulnerable and adults over the age of 68 what is considered a deceptive trade practice. Existing deceptive trade practices includes:
 - a representation that consumer goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;
 - a representation that the merchant has a sponsorship, approval, corporation indication, status, affiliation, or connection that the merchant does not have;
 - advertising or offering consumer goods or services without the intent or authority to sell them as advertised or offered;
 - falsely stating that consumer goods or services, replacements, or repairs are needed;
 - harassment of or threat to any person with regard to any act other than legal process; and
 - taking payment for goods or services without delivering the goods or performing the services.

What would this bill do?

- Define the term “vulnerable adult” under the County’s consumer protection law.
- Prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from a vulnerable adult as defined in the law.
- Prohibit, as a deceptive trade practice, the use of deception, intimidation, or undue influence to obtain money, property, or services from an individual who is at least 68 years old.
- Permit the Office of Consumer Protection to operate a voluntary mediation program in addition to their investigative authority.

Additional information:

- How is a “vulnerable adult” defined?
 - “Vulnerable adult” means an adult who lacks the physical or mental capacity to provide for the adult’s daily needs.
 - The term “vulnerable adult” and the above definition are used in a variety of ways throughout Maryland law and Maryland statutes.
- Why is the age of 68 used as a baseline for older adults?
 - The age of 68 is used in other parts of Maryland law dealing with financial exploitation, so it maintains consistency.
- Would this bill cover online financial exploitation as well?
 - Yes, if the incident includes the use of deception, intimidation, or undue influence to obtain money, property, or services from a vulnerable adult or an individual who is at least 68 years old.