

Maryland Gift Law

M.C.S.G. §15-102. – Definitions.

(g) Employee.

(1) "Employee" means an individual who is employed:

(i) by an executive unit;

(ii) by the Legislative Branch; or

(iii) in the Judicial Branch.

(2) "Employee" does not include:

(i) a public official; or

(ii) a State official.

(p) Gift. --

(1) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.

(2) "Gift" does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

(i) the Election Law Article; or

(ii) any other State law regulating:

1. the conduct of elections; or

2. the receipt of political contributions.

(q) Governmental unit. --

(1) "Governmental unit" means a department, agency, commission, board, council, or other body of State government that is established by law.

(2) "Governmental unit" includes an executive unit.

(s) Immediate family. -- "Immediate family" means an individual's spouse and dependent children.

(w) Legislative unit. -- "Legislative unit" means:

(1) the General Assembly;

(2) either house of the General Assembly;

(3) a standing committee of the General Assembly, provided that the presiding officer of the House of Delegates or Senate shall be deemed an ex officio member of any standing committee of the presiding officer's chamber; or

(4) a county or regional delegation of members of the General Assembly that is recognized by a presiding officer of the General Assembly.

(bb) Official. -- "Official" means either a State official or a public official.

(ff) Public official. -- "Public official" means an individual determined to be a public official in or pursuant to § 15-103 of this subtitle.

(ll) State official. -- "State official" means:

- (1) a constitutional officer or officer-elect in an executive unit;
- (2) a member or member-elect of the General Assembly;
- (3) a judge or judge-elect of a court under Article IV, § 1 of the Constitution;
- (4) a judicial appointee as defined in Maryland Rule 16-814;
- (5) a State's Attorney;
- (6) a clerk of the circuit court;
- (7) a register of wills; or
- (8) a sheriff.

M.C.S.G. §15-505. – Solicitation or acceptance of gifts or honoraria.

(a) Gift solicitation prohibited.

(1) An official or employee may not solicit any gift.

(2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in § 15-701(a)(1) of this title.

(b) Gift acceptance prohibited -- Generally. -- Except as provided in subsection (c) of this section, an official or employee may not knowingly accept a gift, directly or indirectly, from an entity that the official or employee knows or has reason to know:

- (1) does or seeks to do any business of any kind, regardless of amount, with the official's or employee's governmental unit;
- (2) engages in an activity that is regulated or controlled by the official's or employee's governmental unit;
- (3) has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; or
- (4) is a regulated lobbyist with respect to matters within the jurisdiction of the official or employee.

(c) Exceptions.

(1) Notwithstanding subsection (b) of this section, an official or employee may accept a gift specified in paragraph (2) of this subsection unless:

(i) the gift would tend to impair the impartiality and independent judgment of the official or employee; or

(ii) as to a gift of significant value:

1. the gift would give the appearance of impairing the impartiality and independent judgment of the official or employee; or

2. the official or employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the official or employee.

(2) Subject to paragraph (1) of this subsection, subsection (b) of this section does not apply to:

(i) 1. except for officials of the Legislative Branch, meals or beverages received and consumed by the official or employee in the presence of the donor or sponsoring entity;

2. for officials of the Legislative Branch, food or beverages received and consumed by the official in the presence of the donor or sponsoring entity as part of a meal or reception, to which were invited all members of a legislative unit;

3. for a member of the General Assembly, food or beverages received from a donor or sponsoring entity, other than an individual regulated lobbyist described in § 15-701(a)(1) of this title, during a period when the General Assembly is not in session, at a location that is within a county that contains the member's district, provided that the donor or sponsoring entity is located within a county that contains the member's district; or

4. for a member of the General Assembly, food or beverages received at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense;

(ii) ceremonial gifts or awards of insignificant monetary value;

(iii) except for a State official of the Executive or Legislative Branch, unsolicited gifts of nominal value;

(iv) as to a State official of the Executive or Legislative Branch, unsolicited gifts that are not meals or alcoholic beverages and that do not exceed \$ 20 in cost, from a regulated lobbyist;

(v) trivial gifts of informational value;

(vi) in return for participation on a panel or a speaking engagement at a meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of the official or employee if the expenses are associated with the meeting, except that, if such expenses for a State official of the Legislative or Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed \$ 500, the official shall notify the appropriate advisory body before attending the meeting;

(vii) as to a member of the General Assembly, reasonable expenses for food, travel, lodging, or scheduled entertainment to attend a legislative conference that has been approved by the member's presiding officer;

(viii) tickets or free admission extended to an elected constitutional officer from the person sponsoring or conducting the event, as a courtesy or ceremony to the office, to attend a charitable, cultural, or political event;

(ix) a specific gift or class of gifts exempted from subsection (b) of this section by the Ethics Commission upon a written finding that:

1. acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of government; and

2. the gift is purely personal and private in nature;

(x) a gift from:

1. an individual related to the official or employee by blood or marriage; or

2. any other individual who is a member of the household of the official or employee; or

(xi) to the extent provided in subsection (d) of this section, honoraria.

(d) Honoraria.

(1) Except as provided in subsection (c)(2)(vi) of this section, a State official of the Legislative Branch may not accept an honorarium.

(2) Except as provided in paragraph (1) of this subsection and subject to subsection (c)(1) of this section, an official or employee may accept an honorarium if:

(i) the honorarium is limited to reasonable expenses for the official's meals, travel, and lodging, and reasonable and verifiable expenses for care of a child or dependent adult, that are actually incurred;

(ii) the honorarium consists of gifts described in subsection (c)(2)(ii) through (iv) of this section; or

(iii) the official or employee is a faculty member of a State institution of higher education who does not hold another position as an official that precludes receiving the honorarium.

(3) Other than as allowed by paragraph (2) of this subsection, an honorarium may not be accepted, even if permitted by subsection (c)(1) of this section, if:

(i) the payor of the honorarium has an interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; and

(ii) the offering of the honorarium is related in any way to the official's or employee's official position.

M.C.S.G. §15-704. – Reports.

(c) Additional required information; exceptions.

(1) Except as provided in paragraph (2) of this subsection, a report required under this section also shall include the name of each official, employee, or member of the immediate family of an official or employee who has benefited from one or more gifts with a cumulative value of \$ 75 during the reporting period from the regulated lobbyist, regardless of whether the gift:

(i) is attributable to more than one entity; or

(ii) was given in connection with lobbying activity.

(2) The following gifts need not be allocated to individual recipients and reported by name:

(i) gifts reported under subsection (b)(2)(vii) and (viii) of this section;

(ii) gifts reported under subsection (b)(2)(ix) of this section with a value of \$ 200 or less; and

(iii) gifts reported under subsection (b)(2)(x) of this section, unless the recipient received from the

regulated lobbyist during the reporting period two or more such gifts with a cumulative value of \$ 100 or more.

M.C.S.G. §15-713. – Prohibitions.

A regulated lobbyist may not:

(8) make a gift, directly or indirectly, to an official or employee if the regulated lobbyist knows or has reason to know the gift is in violation of Subtitle 5 of this title;

(9) make a gift directly or indirectly as a result of a solicitation or facilitation, which the regulated lobbyist knows or has reason to know is prohibited under § 15-505(a)(2) of this title;