

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 426

(Delegates Bhandari and Jackson)

Economic Matters

Judicial Proceedings

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**Places of Public Accommodation - Motion Picture Houses - Captioning**

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This bill requires a place of public accommodation that is a motion picture house to provide access to fully operational and well-maintained “closed movie captioning” technology for the general public for each screening of a motion picture that is produced and available with closed movie captioning, as required by Title III of the federal Americans with Disabilities Act. If a motion picture is produced and available with “open movie captioning,” a place of public accommodation that controls, operates, owns, or leases a motion picture house with eight or more screens in the State must provide open movie captioning for at least two screenings for each motion picture it screens each week; this requirement does not apply to motion pictures screened fewer than five times during a seven-day period, as specified, and is applicable only to the first three weeks after premiering in the motion picture house. Beginning three weeks after the premiere, a place of public accommodation that controls, operates, owns, or leases a motion picture house with eight or more screens in the State may provide open movie captioning with reasonable notice.

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**Fiscal Summary**

**State Effect:** The Maryland Commission on Civil Rights (MCCR) can handle any additional complaints potentially generated by the bill with existing resources. Revenues are not materially affected.

**Local Effect:** The bill does not materially affect local government finances or operations.

**Small Business Effect:** Potential meaningful.

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## Analysis

**Bill Summary:** “Closed movie captioning” means the written display of the dialogue and certain nonspeech information of a motion picture that is generally delivered to individual patrons on a captioning device in a motion picture house.

“Open movie captioning” means a transcript or dialog of the audio portion of a motion picture that is displayed on a motion picture screen that cannot be turned off by a viewer.

**Current Law:** MCCR is the State agency charged with the enforcement of laws prohibiting discrimination in public accommodations, employment, housing, and State contracting. Under State law, an owner or operator of a place of public accommodation, or an agent or employee of the owner or operator, may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person’s race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability. Any structural changes, modifications, or special equipment that is necessary to accommodate an individual with a disability must be reasonable. A reasonable accommodation is defined as making a place of public accommodation suitable for access, use, and patronage by an individual with a disability without danger to the individual’s health or safety and undue hardship or expense to the person making the accommodation.

State law generally requires a place of public accommodation, on request, to keep closed captioning activated on any closed-captioning television receiver that is in use during regular hours in any public area.

Title III of the Americans with Disabilities Act requires places of public accommodation, including movie theaters, to provide effective communication through the use of auxiliary aids and services. Pursuant to a Final Rule issued by the U.S. Department of Justice in 2016, movie theaters must provide closed captioning equipment whenever showing a movie produced, distributed, or otherwise made available with these features.

**Small Business Effect:** To the extent that open movie captioning deters viewers from a particular showing, any movie theater that qualifies as a small business *may* experience decreased revenues; conversely, to the extent that open movie captioning attracts hearing impaired or other customers, revenues *may* increase.

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## Additional Information

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 400 and HB 264 of 2023 and HB 1238 of 2022.

**Designated Cross File:** SB 92 (Senator Brooks) - Judicial Proceedings.

**Information Source(s):** Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2024  
km/jkb Third Reader - March 21, 2024  
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