



MOTION PICTURE ASSOCIATION

January 17, 2024

Delegate Fraser-Hidalgo
350 Taylor House Office Building
6 Bladen Street
Annapolis, Maryland 21401

RE: Maryland House Bill 208, Consumer Protection – False Advertising – Digital Goods -
Oppose Unless Amended

On behalf of the Motion Picture Association¹ (MPA) and our member companies, I am writing to convey our concerns with Maryland House Bill 208, which addresses consumer protection, false advertising, and digital goods.

HB 208 is substantively similar to a recently enacted law in California, AB 2426. However, there are key distinctions between California's new law and HB 208. HB 208 would require both an affirmative acknowledgment from a customer that they are getting a license for a digital good *and* would additionally require enhanced disclosure. California's law allows covered businesses to choose between these two options to keep consumers informed about their transactions. Requiring both the affirmative consent and enhanced disclosures creates onerous obstacles for compliance and can result in a poor consumer experience. However, the most concerning aspect of MD HB 208 is the enforcement of criminal penalties, which could expose a business and its employees to jail time. For these reasons, the MPA must respectfully oppose to HB 208 as currently written.

Consumers are best served when there is consistency in notice requirements and disclosures. The MPA welcomes an opportunity to answer any questions you may have and discuss our position further.

Sincerely,

Kathy Bañuelos

Kathy Bañuelos
Senior Vice President
State Government Affairs

¹ The MPA serves as the global voice and advocate of the motion picture, television, and streaming industries. It works in every corner of the globe to advance the creative industry, protect its members' content across all screens, defend storytellers' creative and artistic freedoms, and support innovative distribution models that expand viewing choices for audiences worldwide. The MPA's member studios are Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; Warner Bros. Entertainment Inc.; and Amazon Studios LLC.