

HOUSE BILL 387

P3, P2
HB 961/25 – APP

6lr1574
CF SB 41

By: **Delegates Embry, Behler, Boyce, Crutchfield, Forbes, Kaufman, Pasteur,
Ruff, Ruth, Stinnett, Toles, Wolek, and Woorman**

Introduced and read first time: January 21, 2026

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Commissioned Public Art – Artist Rights and Registration of Art**

3 FOR the purpose of prohibiting an entity from including in a contract for certain State
4 public art a provision requiring artists to waive certain rights; requiring certain
5 State public art to be registered with the Maryland State Arts Council; requiring the
6 Council to establish, maintain, and update a certain database of certain art on its
website; and generally
relating to artist rights and State public art.

7 BY adding to

8 Article – State Finance and Procurement

9 Section 13–230

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2025 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – State Finance and Procurement**

15 **13–230.**

16 (A) IN THIS SECTION, “STATE PUBLIC ART” MEANS PUBLIC ART
17 COMMISSIONED FOR A PROJECT THAT RECEIVES STATE FUNDING, REGARDLESS OF
18 WHETHER THE STATE FUNDING DIRECTLY PAID FOR THE PUBLIC ART.

19 (B) (1) AN ENTITY MAY NOT INCLUDE IN A CONTRACT FOR STATE PUBLIC
20 ART A REQUIREMENT THAT AN ARTIST WAIVE COPYRIGHT PROTECTIONS OR RIGHTS
21 UNDER 17 U.S.C. § 106A.

2 REPRINT OF HOUSE BILL 387 as amended by HB0387/763327/1 02/16/26 at 9:31 AM

1 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AND
2 SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN ARTIST MAY CHOOSE TO
3 WAIVE THE ARTIST'S COPYRIGHT PROTECTIONS OR RIGHTS UNDER 17 U.S.C. § 106A
4 IN A CONTRACT FOR STATE PUBLIC ART.

5 (3) A WAIVER DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION
6 MUST BE IN WRITING.

7 (C) AN ENTITY THAT COMMISSIONS STATE PUBLIC ART SHALL REGISTER
8 THE ART WITH THE MARYLAND STATE ARTS COUNCIL, INCLUDING:

9 (1) THE NAME AND CONTACT INFORMATION OF THE ARTIST;

10 (2) THE LOCATION OF THE ART;

11 (3) THE TYPE OF ART;

12 (4) THE TITLE OF THE ART; AND

13 (5) THE DATE OF INSTALLATION OR CREATION.

(D) THE MARYLAND STATE ARTS COUNCIL SHALL ESTABLISH, MAINTAIN, AND UPDATE A PUBLICLY AVAILABLE DATABASE OF ART REGISTERED UNDER SUBSECTION (C) OF THIS SECTION ON ITS WEBSITE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to any contract entered into before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2026.