
By: **Delegates Pitkin, Bobo, Cadden, Conroy, DeCarlo, Dypski, Heller,
Howard, Hubbard, Kagan, Shank, and Sophocleus**

Introduced and read first time: February 8, 2002

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Electronic Mail - Prohibitions**

3 FOR the purpose of prohibiting a person from initiating or conspiring with another
4 person to initiate the transmission of commercial electronic mail under certain
5 circumstances; prohibiting a person from assisting another person in
6 transmitting a commercial electronic mail message under certain
7 circumstances; defining a certain term; and generally relating to the
8 transmission of commercial electronic mail.

9 BY adding to

10 Article - Commercial Law

11 Section 13-319

12 Annotated Code of Maryland

13 (2000 Replacement Volume and 2001 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Commercial Law**

17 13-319.

18 (A) IN THIS SECTION, "COMMERCIAL ELECTRONIC MAIL MESSAGE" MEANS A
19 COMMUNICATION SENT OR RECEIVED ELECTRONICALLY OVER A COMPUTER
20 NETWORK ALLEGING TO ADVERTISE A GOOD OR SERVICE.

21 (B) THIS SECTION APPLIES TO A COMMERCIAL ELECTRONIC MAIL MESSAGE
22 SENT FROM A COMPUTER LOCATED IN THE STATE OR TO AN ELECTRONIC MAIL
23 ADDRESS THAT THE SENDER KNOWS OR HAS REASON TO KNOW IS HELD BY A
24 RESIDENT OF THE STATE.

25 (C) A PERSON MAY NOT INITIATE OR CONSPIRE WITH ANOTHER PERSON TO
26 INITIATE THE TRANSMISSION OF A COMMERCIAL ELECTRONIC MAIL MESSAGE THAT:

1 (1) MISREPRESENTS OR OBSCURES ANY INFORMATION RELATING TO
2 THE POINT OF ORIGIN OR TRANSMISSION PATH OF THE COMMERCIAL ELECTRONIC
3 MAIL MESSAGE; OR

4 (2) CONTAINS FALSE OR MISLEADING INFORMATION IN THE SUBJECT
5 LINE.

6 (D) A PERSON MAY NOT ASSIST IN THE TRANSMISSION OF A COMMERCIAL
7 ELECTRONIC MAIL MESSAGE IF THE PERSON PROVIDING ASSISTANCE KNOWS OR
8 CONSCIOUSLY AVOIDS KNOWING THAT THE PERSON INITIATING THE COMMERCIAL
9 ELECTRONIC MAIL MESSAGE IS ENGAGED OR INTENDS TO ENGAGE IN ANY ACTIVITY
10 THAT VIOLATES THIS TITLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2002.