

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1523 (Delegate Cox)  
Economic Matters

---

**Human Relations - Public Accommodations - Captioning in Movie Theaters**  
**(Open Captioning Equality Act of 2020)**

---

This bill requires a place of public accommodation that owns, leases, operates, or controls a movie theater to offer fully operational and well-maintained closed captioning technology for each compatible motion picture. A place of public accommodation with a movie theater in two or more locations must provide open captioning during at least two showings per week of each compatible motion picture.

---

**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** Potential meaningful.

---

**Analysis**

**Bill Summary:** “Closed captioning” is a transcript of audio elements of a motion picture that is displayed on a screen when a user activates the feature. “Closed captioning” includes a transcript of (1) the entire audio portion of a motion picture or (2) only the dialogue of a motion picture.

“Open captioning” is a transcript of audio elements of a motion picture that is displayed on a motion picture screen and cannot be turned off by any viewer. “Open captioning”

includes a transcript of (1) the entire audio portion of a motion picture or (2) only the dialogue of a motion picture.

**Current Law/Background:** Under State law, an owner or operator of a place of public accommodation, or an agent or employee of the owner, 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 are 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.

Hawaii passed a similar law regarding movie captioning in 2015. 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 2016 Final Rule issued by the U.S. Department of Justice, movie theaters must provide closed captioning equipment whenever showing a movie produced, distributed, or otherwise made available with these features.

According to the 2018 American Community Survey for Maryland, 3.0% of people in the State have a hearing difficulty.

**Small Business Effect:** To the extent that open captioning deters viewers, movie theaters' revenues may decrease.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Commission on Civil Rights; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Labor; State of Hawaii; U.S. Census Bureau; U.S. Department of Justice; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2020  
an/jkb

---

Analysis by: Hillary J. Cleckler

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510