

# HOUSE BILL 901

I3, S1

3lr1083  
CF SB 844

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By: **Delegates Solomon and Wilson**

Introduced and read first time: February 9, 2023

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Consumer Protection – Online Products and Services – Children’s Data**

3 FOR the purpose of requiring a business that offers an online product likely to be accessed  
4 by children to complete a certain data protection impact assessment under certain  
5 circumstances; prohibiting a business from offering a certain online product before  
6 completing a data protection impact assessment; requiring businesses to document  
7 certain risks associated with certain online products; requiring certain privacy  
8 protections for certain online products; prohibiting certain data collection and  
9 sharing practices; providing certain exemptions; and generally relating to the  
10 protection of online privacy of children.

11 BY repealing and reenacting, with amendments,

12 Article – Commercial Law

13 Section 13–301(14)(xxxv)

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Commercial Law

18 Section 13–301(14)(xxxvi)

19 Annotated Code of Maryland

20 (2013 Replacement Volume and 2022 Supplement)

21 BY adding to

22 Article – Commercial Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~13–301(14)(xxxvii)~~; and 14–4501 through 14–4513 to be under the new  
2 subtitle “Subtitle 45. Maryland Age–Appropriate Design Code Act”  
3 Annotated Code of Maryland  
4 (2013 Replacement Volume and 2022 Supplement)

5 Preamble

6 WHEREAS, The United Nations Convention on the Rights of the Child recognizes  
7 that children need special safeguards and care in all aspects of their lives, specifying how  
8 children’s rights apply in the digital environment in General Comment No. 25; and

9 WHEREAS, As children spend more of their time interacting with the online world,  
10 the impact of the design of online products on their well–being has become a focus of  
11 significant concern; and

12 WHEREAS, There is widespread agreement at the international level, and  
13 bipartisan agreement in the United States, that more needs to be done to create a safer  
14 online space for children to learn, explore, and play; and

15 WHEREAS, Lawmakers around the globe have taken steps to enhance privacy  
16 protections for children based on the understanding that, in relation to data protection,  
17 greater privacy necessarily means greater security and well–being; and

18 WHEREAS, Children should be afforded protections not only by online products and  
19 services specifically directed at them, but by all online products they are likely to access,  
20 and thus businesses should take into account the unique needs of different age ranges,  
21 including the following developmental stages: 0 to 5 years of age, or “preliterate and early  
22 literacy”; 6 to 9 years of age, or “core primary school years”; 10 to 12 years of age, or  
23 “transition years”; 13 to 15 years of age, or “early teens”; and 16 to 17 years of age, or  
24 “approaching adulthood”; and

25 WHEREAS, While it is clear that the same data protection regime may not be  
26 appropriate for children of all ages, children of all ages should nonetheless be afforded  
27 privacy and protection, and online products should adopt data protection regimes  
28 appropriate for children of the ages likely to access those products; and

29 WHEREAS, According to the Pew Research Center, in 2022, 97% of American  
30 teenagers aged 13–17 used the Internet every day, with 46% responding they used the  
31 Internet almost constantly; and, additionally, 36% of teens reported being concerned about  
32 their social media use, while an earlier Pew Research Center study found that 59% of teens  
33 have been bullied or harassed online; and

34 WHEREAS, The findings of the Pew Research Center are not surprising, given what  
35 is known about controllers’ use of personal data and how it is utilized to inform  
36 manipulative practices, to which children are particularly vulnerable; and

1 WHEREAS, Online products that are likely to be accessed by children should offer  
2 strong privacy protections by design and by default, including by disabling features that  
3 profile children using their previous behavior, browsing history, or assumptions of their  
4 similarity to other children in order to offer them detrimental material; and

5 WHEREAS, Ensuring robust privacy, and thus safety, protections for children by  
6 design is consistent with federal safety laws and policies applied to children's products,  
7 regulating everything from toys to clothing to furniture and games; and

8 WHEREAS, The consumer protections that federal safety laws apply to children's  
9 products require these products to comply with certain safety standards by their very  
10 design, so that harms to children, and in some cases other consumers, are prevented; and

11 WHEREAS, It is the intent of the Maryland General Assembly that the Maryland  
12 Age-Appropriate Design Code Act promote innovation by businesses whose online products  
13 are likely to be accessed by children by ensuring that those online products are designed in  
14 a manner that recognizes the distinct needs of children within different age ranges; and

15 WHEREAS, It is the intent of the Maryland General Assembly that businesses  
16 covered by the Maryland Age-Appropriate Design Code Act may look to guidance and  
17 innovation in response to the Age-Appropriate Design Code established in the United  
18 Kingdom and California when developing online products that are likely to be accessed by  
19 children; now, therefore,

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

22 **Article – Commercial Law**

23 13-301.

24 Unfair, abusive, or deceptive trade practices include any:

25 (14) Violation of a provision of:

26 (xxxv) Section 11-210 of the Education Article; [or]

27 (xxxvi) Title 14, Subtitle 44 of this article; or

28 (xxxvii) **TITLE 14, SUBTITLE 45 OF THIS ARTICLE; OR**

29 **SUBTITLE 45. MARYLAND AGE-APPROPRIATE DESIGN CODE ACT.**

30 **14-4501.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) (1) "AGGREGATE CONSUMER INFORMATION" MEANS INFORMATION:

4 (I) THAT RELATES TO A GROUP OR CATEGORY OF CONSUMERS;

5 (II) FROM WHICH INDIVIDUAL CONSUMER IDENTITIES HAVE  
6 BEEN REMOVED; AND

7 (III) THAT IS NOT LINKED OR REASONABLY LINKABLE TO ANY  
8 CONSUMER OR HOUSEHOLD, INCLUDING BY A DEVICE.

9 (2) "AGGREGATE CONSUMER INFORMATION" DOES NOT INCLUDE  
10 INDIVIDUAL CONSUMER RECORDS THAT HAVE BEEN DEIDENTIFIED.

11 (C) (1) "BIOMETRIC INFORMATION" MEANS INFORMATION GENERATED  
12 BY AUTOMATIC MEASUREMENTS OF AN INDIVIDUAL'S BIOLOGICAL  
13 CHARACTERISTICS.

14 (2) "BIOMETRIC INFORMATION" INCLUDES:

15 (I) A FINGERPRINT;

16 (II) A VOICEPRINT;

17 (III) EYE RETINA OR IRIS PATTERN; OR

18 (IV) ANY OTHER UNIQUE BIOLOGICAL PATTERNS OR  
19 CHARACTERISTICS THAT ARE USED TO IDENTIFY A SPECIFIC INDIVIDUAL.

20 (3) "BIOMETRIC INFORMATION" DOES NOT INCLUDE:

21 (I) A DIGITAL OR PHYSICAL PHOTOGRAPH;

22 (II) AN AUDIO OR VIDEO RECORDING; OR

23 (III) ANY DATA GENERATED FROM A DIGITAL OR PHYSICAL  
24 PHOTOGRAPH, OR AN AUDIO OR VIDEO RECORDING, UNLESS THE DATA IS  
25 GENERATED TO IDENTIFY A SPECIFIC INDIVIDUAL.

26 ~~(D)~~ (1) "BUSINESS" MEANS A SOLE PROPRIETORSHIP, LIMITED  
27 LIABILITY COMPANY, CORPORATION, ASSOCIATION, OR OTHER LEGAL ENTITY THAT:

1 (I) IS ORGANIZED OR OPERATED FOR THE PROFIT OR  
2 FINANCIAL BENEFIT OF ITS SHAREHOLDERS OR OTHER OWNERS;

3 (II) COLLECTS CONSUMERS' PERSONAL INFORMATION, OR ON  
4 THE BEHALF OF WHICH ANOTHER COLLECTS CONSUMERS' PERSONAL  
5 INFORMATION;

6 (III) ALONE, OR JOINTLY WITH ITS AFFILIATES OR  
7 SUBSIDIARIES, DETERMINES THE PURPOSES AND MEANS OF THE PROCESSING OF  
8 CONSUMERS' PERSONAL INFORMATION;

9 (IV) DOES BUSINESS IN THE STATE; AND

10 (V) SATISFIES AT LEAST ONE OF THE FOLLOWING CRITERIA:

11 1. THE BUSINESS HAS ANNUAL GROSS REVENUES IN  
12 EXCESS OF \$25,000,000, ADJUSTED EVERY ODD-NUMBERED YEAR TO REFLECT  
13 ADJUSTMENTS IN THE CONSUMER PRICE INDEX;

14 2. THE BUSINESS ANNUALLY BUYS, RECEIVES, SELLS,  
15 OR SHARES THE PERSONAL INFORMATION OF 50,000 OR MORE CONSUMERS,  
16 HOUSEHOLDS, OR DEVICES, ALONE OR IN COMBINATION WITH ITS AFFILIATES OR  
17 SUBSIDIARIES, AND FOR THE BUSINESS'S COMMERCIAL PURPOSES; OR

18 3. THE BUSINESS DERIVES AT LEAST 50% OF ITS  
19 ANNUAL REVENUES FROM THE SALE OF CONSUMERS' PERSONAL INFORMATION.

20 (2) "BUSINESS" INCLUDES:

21 (I) AN ENTITY THAT CONTROLS OR IS CONTROLLED BY A  
22 BUSINESS AND THAT SHARES COMMON BRANDING WITH THAT BUSINESS; AND

23 (II) A JOINT VENTURE OR PARTNERSHIP COMPOSED OF  
24 BUSINESSES IN WHICH EACH HAS AT LEAST A 40% INTEREST IN THE JOINT VENTURE  
25 OR PARTNERSHIP.

26 ~~(D)~~ (E) "CHILD" MEANS A CONSUMER THAT IS UNDER THE AGE OF 18  
27 YEARS.

28 ~~(E)~~ (F) "COLLECT" MEANS TO ~~ACTIVELY OR PASSIVELY BUY, RENT,~~  
29 ~~GATHER, OBTAIN, RECEIVE, OR ACCESS ANY PERSONAL INFORMATION PERTAINING~~  
30 ~~TO A CONSUMER OR OBSERVE A CONSUMER'S BEHAVIOR, BY ANY MEANS~~ BUY, RENT,  
31 GATHER, OBTAIN, RECEIVE, OR ACCESS ANY PERSONAL INFORMATION RELATING TO  
32 A CONSUMER.

1       ~~(F)~~ **(G)**       “COMMON BRANDING” MEANS A SHARED NAME, SERVICE MARK,  
2 OR TRADEMARK THAT WOULD CAUSE A REASONABLE CONSUMER TO UNDERSTAND  
3 THAT TWO OR MORE ENTITIES ARE COMMONLY OWNED.

4       ~~(G)~~ **(H)**       **(1)**       “CONSUMER” MEANS AN INDIVIDUAL WHO IS A RESIDENT  
5 OF THE STATE, HOWEVER IDENTIFIED, INCLUDING BY ANY UNIQUE IDENTIFIER.

6               **(2)**       “CONSUMER” DOES NOT INCLUDE AN INDIVIDUAL ACTING IN A  
7 COMMERCIAL OR EMPLOYMENT CONTEXT OR AS AN EMPLOYEE, OWNER, DIRECTOR,  
8 OFFICER, OR CONTRACTOR OF A COMPANY, PARTNERSHIP, SOLE PROPRIETORSHIP,  
9 NONPROFIT ORGANIZATION, OR GOVERNMENT AGENCY WHOSE COMMUNICATIONS  
10 OR TRANSACTIONS WITH THE BUSINESS OCCUR SOLELY WITHIN THE CONTEXT OF  
11 THAT INDIVIDUAL’S ROLE WITH THE COMPANY, PARTNERSHIP, SOLE  
12 PROPRIETORSHIP, NONPROFIT, OR GOVERNMENT AGENCY.

13       ~~(H)~~ **(I)**       “CONTROL” MEANS:

14               **(1)**       OWNERSHIP OF OR THE POWER TO VOTE MORE THAN 50% OF THE  
15 OUTSTANDING SHARES OF ANY CLASS OF VOTING SECURITY OF A BUSINESS;

16               **(2)**       ANY MANNER OF CONTROL OVER THE ELECTION OF A MAJORITY  
17 OF THE DIRECTORS OF A BUSINESS, OR INDIVIDUALS EXERCISING SIMILAR  
18 FUNCTIONS; OR

19               **(3)**       THE POWER TO EXERCISE A CONTROLLING INFLUENCE OVER THE  
20 MANAGEMENT OF A BUSINESS.

21       ~~(I)~~ **(J)**       “DARK PATTERN” MEANS A USER INTERFACE DESIGNED OR  
22 MANIPULATED WITH THE SUBSTANTIAL EFFECT OF SUBVERTING OR IMPAIRING  
23 USER AUTONOMY, DECISION MAKING, OR CHOICE.

24       ~~(J)~~ **(K)**       “DATA PROTECTION IMPACT ASSESSMENT” OR “ASSESSMENT”  
25 MEANS A SYSTEMATIC SURVEY TO ASSESS AND MITIGATE RISKS TO CHILDREN WHO  
26 ARE REASONABLY LIKELY TO ACCESS THE ONLINE PRODUCT AT ISSUE THAT ARISE  
27 FROM THE DATA MANAGEMENT PRACTICES OF THE BUSINESS AND THE PROVISION  
28 OF THE ONLINE PRODUCT.

29       ~~(K)~~ **(L)**       “DEFAULT” MEANS A PRESELECTED OPTION ADOPTED BY THE  
30 BUSINESS FOR AN ONLINE PRODUCT.

31       ~~(L)~~ **(M)**       “DEIDENTIFIED INFORMATION” MEANS INFORMATION THAT  
32 CANNOT REASONABLY BE USED TO ~~REASONABLY~~ INFER INFORMATION ABOUT, OR

1 OTHERWISE BE LINKED TO, ~~A PARTICULAR~~ AN IDENTIFIED OR IDENTIFIABLE  
2 CONSUMER, IF THE BUSINESS THAT POSSESSES THE INFORMATION:

3 (1) TAKES REASONABLE MEASURES TO ENSURE THAT THE  
4 INFORMATION CANNOT BE ~~ASSOCIATED~~ LINKED WITH A CONSUMER OR HOUSEHOLD;

5 (2) COMMITS IN PUBLICLY AVAILABLE TERMS AND CONDITIONS OR IN  
6 A PUBLICLY AVAILABLE PRIVACY POLICY TO:

7 (I) MAINTAIN AND USE THE INFORMATION IN DEIDENTIFIED  
8 FORM; AND

9 (II) NOT ATTEMPT TO REIDENTIFY THE INFORMATION, EXCEPT  
10 FOR THE SOLE PURPOSE OF DETERMINING WHETHER THE BUSINESS'S  
11 DEIDENTIFICATION PROCESS SATISFIES THE REQUIREMENTS OF THIS SUBSECTION;  
12 AND

13 (3) CONTRACTUALLY OBLIGATES ANY RECIPIENTS OF THE  
14 INFORMATION TO COMPLY WITH ALL PROVISIONS OF THIS SUBSECTION.

15 ~~(M)~~ (N) "LIKELY TO BE ACCESSED BY CHILDREN" MEANS REASONABLY  
16 EXPECTED THAT THE ONLINE SERVICE, PRODUCT, OR FEATURE WOULD BE  
17 ACCESSED BY CHILDREN, BASED ON SATISFYING ANY OF THE FOLLOWING CRITERIA:

18 (1) THE ONLINE PRODUCT IS DIRECTED TO CHILDREN AS DEFINED IN  
19 THE FEDERAL CHILDREN'S ONLINE PRIVACY PROTECTION ACT;

20 (2) THE ONLINE PRODUCT IS DETERMINED, BASED ON COMPETENT  
21 AND RELIABLE EVIDENCE REGARDING AUDIENCE COMPOSITION, TO BE ROUTINELY  
22 ACCESSED BY A SIGNIFICANT NUMBER OF CHILDREN;

23 (3) THE ONLINE PRODUCT IS SUBSTANTIALLY SIMILAR OR THE SAME  
24 AS AN ONLINE PRODUCT THAT SATISFIES ITEM (2) OF THIS SUBSECTION;

25 (4) THE ONLINE PRODUCT FEATURES ADVERTISEMENTS MARKETED  
26 TO CHILDREN;

27 (5) THE ONLINE PRODUCT HAS DESIGN ELEMENTS THAT ARE KNOWN  
28 TO BE OF INTEREST TO CHILDREN, SUCH AS GAMES, CARTOONS, MUSIC, AND  
29 CELEBRITIES WHO APPEAL TO CHILDREN; OR

30 (6) THE BUSINESS KNOWS, BASED ON INTERNAL RESEARCH, THAT A  
31 SIGNIFICANT AMOUNT OF THE ONLINE PRODUCT'S AUDIENCE IS CHILDREN.

1 ~~(N)~~ (O) (1) "ONLINE PRODUCT" MEANS AN ONLINE SERVICE, PRODUCT,  
2 OR FEATURE.

3 (2) "ONLINE PRODUCT" DOES NOT INCLUDE:

4 (I) A TELECOMMUNICATIONS SERVICE, AS DEFINED IN 47  
5 U.S.C. § 153; ~~OR~~

6 (II) ~~THE DELIVERY SALE, DELIVERY,~~ OR USE OF A PHYSICAL  
7 PRODUCT SOLD BY AN ONLINE RETAILER; OR

8 (III) A BROADBAND INTERNET ACCESS SERVICE, AS DEFINED IN  
9 47 C.F.R. § 8.1(B).

10 ~~(O)~~ (P) (1) "PERSONAL INFORMATION" MEANS INFORMATION THAT  
11 IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING  
12 ASSOCIATED WITH, OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY,  
13 WITH A PARTICULAR CONSUMER OR HOUSEHOLD.

14 (2) "PERSONAL INFORMATION" DOES NOT INCLUDE:

15 (I) PUBLICLY AVAILABLE INFORMATION OR LAWFULLY  
16 OBTAINED, TRUTHFUL INFORMATION THAT IS OF PUBLIC CONCERN; OR

17 (II) CONSUMER INFORMATION THAT IS DEIDENTIFIED OR  
18 AGGREGATE CONSUMER INFORMATION.

19 ~~(P)~~ (Q) "PRECISE GEOLOCATION" MEANS ANY DATA THAT IS:

20 (1) DERIVED FROM A DEVICE; AND

21 (2) USED OR INTENDED TO BE USED TO LOCATE A CONSUMER WITHIN  
22 A GEOGRAPHIC AREA THAT IS LESS THAN OR EQUAL TO THE AREA OF A CIRCLE WITH  
23 A RADIUS OF 1,850 FEET.

24 ~~(Q)~~ (R) ~~(1)~~ "PROFILING" MEANS ANY FORM OF AUTOMATED  
25 PROCESSING OF PERSONAL INFORMATION THAT USES PERSONAL INFORMATION TO  
26 EVALUATE OR PREDICT CERTAIN ASPECTS RELATING TO AN INDIVIDUAL.

27 ~~(2)~~ ~~"PROFILING" INCLUDES ANALYZING OR PREDICTING ASPECTS~~  
28 ~~CONCERNING, INCLUDING AN INDIVIDUAL'S PERFORMANCE AT WORK, ECONOMIC~~  
29 ~~SITUATION, HEALTH, PERSONAL PREFERENCES, INTERESTS, RELIABILITY,~~  
30 ~~BEHAVIOR, LOCATION, OR MOVEMENTS.~~



1       ~~(R)~~ (S)       (1)   “PUBLICLY AVAILABLE INFORMATION” MEANS  
2 INFORMATION THAT:

3                   (I)   IS LAWFULLY MADE AVAILABLE FROM FEDERAL, STATE, OR  
4 LOCAL GOVERNMENT RECORDS; OR

5                   (II) A BUSINESS HAS A REASONABLE BASIS TO BELIEVE IS  
6 LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC BY THE CONSUMER OR BY  
7 WIDELY DISTRIBUTED MEDIA.

8                   (2)   “PUBLICLY AVAILABLE INFORMATION” DOES NOT INCLUDE  
9 BIOMETRIC INFORMATION COLLECTED BY A BUSINESS ABOUT A CONSUMER  
10 WITHOUT THE CONSUMER’S KNOWLEDGE.

11       ~~(S)~~ (T)       (1)   “SELL” MEANS TO TRANSFER, RENT, RELEASE, DISCLOSE,  
12 DISSEMINATE, MAKE AVAILABLE, OR OTHERWISE COMMUNICATE, WHETHER  
13 ORALLY, IN WRITING, OR BY ELECTRONIC OR OTHER MEANS, A CONSUMER’S  
14 PERSONAL INFORMATION BY THE BUSINESS TO A THIRD PARTY FOR MONETARY OR  
15 OTHER VALUABLE CONSIDERATION.

16                   (2)   “SELL” DOES NOT INCLUDE:

17                   (I)   THE DISCLOSURE OF PERSONAL INFORMATION TO A  
18 SERVICE PROVIDER THAT PROCESSES PERSONAL INFORMATION ON BEHALF OF THE  
19 BUSINESS;

20                   (II) THE DISCLOSURE OF PERSONAL INFORMATION TO A THIRD  
21 PARTY FOR PURPOSES OF PROVIDING A PRODUCT OR SERVICE REQUESTED BY THE  
22 CONSUMER;

23                   (III) THE DISCLOSURE OF PERSONAL INFORMATION WHERE THE  
24 CONSUMER DIRECTS THE BUSINESS TO DISCLOSE THE PERSONAL INFORMATION OR  
25 INTENTIONALLY USES THE BUSINESS TO INTERACT WITH A THIRD PARTY; OR

26                   (IV) THE DISCLOSURE OR TRANSFER OF PERSONAL  
27 INFORMATION TO A THIRD PARTY AS AN ASSET THAT IS PART OF AN ACTUAL OR  
28 PROPOSED MERGER, ACQUISITION, BANKRUPTCY, OR OTHER TRANSACTION, IN  
29 WHICH THE THIRD PARTY ASSUMES CONTROL OF ALL OR PART OF THE BUSINESS’S  
30 ASSETS.

31       ~~(T)~~ (U)       (1)   “SENSITIVE PERSONAL INFORMATION” MEANS:

32                   (I)   PERSONAL INFORMATION THAT REVEALS A CONSUMER’S:

1                   1.    **SOCIAL SECURITY NUMBER, DRIVER'S LICENSE**  
2 **NUMBER, STATE IDENTIFICATION CARD NUMBER, OR PASSPORT NUMBER;**

3                   2.    **ACCOUNT LOGIN INFORMATION, FINANCIAL**  
4 **ACCOUNT NUMBER, DEBIT CARD NUMBER, OR CREDIT CARD NUMBER, IN**  
5 **COMBINATION WITH ANY REQUIRED SECURITY OR ACCESS CODE, PASSWORD, OR**  
6 **CREDENTIALS THAT ALLOW ACCESS TO AN ACCOUNT;**

7                   3.    **PRECISE GEOLOCATION;**

8                   4.    **RACIAL OR ETHNIC ORIGIN OR RELIGIOUS OR**  
9 **PHILOSOPHICAL BELIEFS;**

10                  ~~5.~~    ~~UNION MEMBERSHIP STATUS;~~

11                  ~~6.~~ 5.    **MAIL, E-MAIL, TEXT, OR MESSAGE CONTENTS,**  
12 **UNLESS THE BUSINESS IS THE INTENDED RECIPIENT; OR**

13                  ~~7.~~ 6.    **GENETIC DATA;**

14                        **(II) BIOMETRIC INFORMATION THAT IS OR MAY BE PROCESSED**  
15 **FOR THE PURPOSE OF UNIQUELY IDENTIFYING A CONSUMER;**

16                        **(III) PERSONAL INFORMATION COLLECTED AND ANALYZED**  
17 **CONCERNING A CONSUMER'S HEALTH; OR**

18                        **(IV) PERSONAL INFORMATION COLLECTED AND ANALYZED**  
19 **CONCERNING A CONSUMER'S SEX LIFE OR SEXUAL ORIENTATION.**

20                        **(2) "SENSITIVE PERSONAL INFORMATION" DOES NOT INCLUDE**  
21 **PUBLICLY AVAILABLE INFORMATION.**

22                        **(V) "SERVICE PROVIDER" MEANS A PERSON THAT PROCESSES PERSONAL**  
23 **INFORMATION ON BEHALF OF A BUSINESS AND THAT RECEIVES FROM OR ON BEHALF**  
24 **OF THE BUSINESS, A CONSUMER'S PERSONAL INFORMATION FOR A BUSINESS**  
25 **PURPOSE IN ACCORDANCE WITH A WRITTEN CONTRACT, IF THE CONTRACT**  
26 **PROHIBITS THE PERSON FROM:**

27                        **(1) SELLING OR SHARING THE PERSONAL INFORMATION;**

28                        **(2) RETAINING, USING, OR DISCLOSING THE PERSONAL**  
29 **INFORMATION FOR ANY PURPOSE OTHER THAN FOR THE BUSINESS PURPOSES**  
30 **SPECIFIED IN THE CONTRACT FOR THE BUSINESS, INCLUDING RETAINING, USING,**  
31 **OR DISCLOSING THE PERSONAL INFORMATION FOR A COMMERCIAL PURPOSE**

1 OTHER THAN THE BUSINESS PURPOSES SPECIFIED IN THE CONTRACT WITH THE  
2 BUSINESS, OR AS OTHERWISE ALLOWED UNDER THIS SUBTITLE;

3 (3) RETAINING, USING, OR DISCLOSING THE PERSONAL  
4 INFORMATION OUTSIDE OF THE DIRECT BUSINESS RELATIONSHIP BETWEEN THE  
5 SERVICE PROVIDER AND THE BUSINESS; AND

6 (4) COMBINING THE PERSONAL INFORMATION THAT THE SERVICE  
7 PROVIDER RECEIVES FROM, OR ON BEHALF OF, THE BUSINESS WITH PERSONAL  
8 INFORMATION THAT IT RECEIVES FROM, OR ON BEHALF OF, ANOTHER PERSON OR  
9 PERSONS, OR COLLECTS FROM ITS OWN INTERACTION WITH THE CONSUMER.

10 ~~(U)~~ (W) “SHARE” MEANS TO RENT, RELEASE, DISCLOSE, DISSEMINATE,  
11 MAKE AVAILABLE, TRANSFER, OR OTHERWISE COMMUNICATE, WHETHER ORALLY,  
12 IN WRITING, OR BY ELECTRONIC OR OTHER MEANS, A CONSUMER’S PERSONAL  
13 INFORMATION TO A THIRD PARTY FOR CROSS-CONTEXT BEHAVIORAL ADVERTISING  
14 WHETHER OR NOT FOR MONETARY OR OTHER VALUABLE CONSIDERATION,  
15 INCLUDING IN A TRANSACTION BETWEEN A BUSINESS AND A THIRD PARTY FOR  
16 ~~CROSS-CONTEXT BEHAVIORAL~~ TARGETED ADVERTISING FOR THE BENEFIT OF A  
17 BUSINESS IN WHICH NO MONEY IS EXCHANGED.

18 (X) (1) “TARGETED ADVERTISING” MEANS DISPLAYING  
19 ADVERTISEMENTS TO A CONSUMER WHERE THE ADVERTISEMENT IS SELECTED  
20 BASED ON PERSONAL INFORMATION OBTAINED OR INFERRED FROM THAT  
21 CONSUMER’S ACTIVITIES OVER TIME AND ACROSS NONAFFILIATED INTERNET  
22 WEBSITES OR ONLINE APPLICATIONS TO PREDICT THE CONSUMER’S PREFERENCES  
23 OR INTERESTS.

24 (2) “TARGETED ADVERTISING” DOES NOT INCLUDE:

25 (I) ADVERTISEMENTS BASED ON ACTIVITIES WITHIN A  
26 BUSINESS’S OWN INTERNET WEBSITES OR ONLINE APPLICATIONS;

27 (II) ADVERTISEMENTS BASED ON THE CONTEXT OF A  
28 CONSUMER’S CURRENT SEARCH QUERY, VISIT TO AN INTERNET WEBSITE OR ONLINE  
29 APPLICATION;

30 (III) ADVERTISEMENTS DIRECTED TO A CONSUMER IN  
31 RESPONSE TO THE CONSUMER’S REQUEST FOR INFORMATION OR FEEDBACK; OR

32 (IV) PROCESSING PERSONAL INFORMATION SOLELY TO  
33 MEASURE OR REPORT ADVERTISING FREQUENCY, PERFORMANCE, OR REACH.

34 ~~(V)~~ (Y) “THIRD PARTY” MEANS A PERSON WHO IS NOT:

1           **(1) THE BUSINESS WITH WHICH THE CONSUMER INTENTIONALLY**  
2 **INTERACTS AND THAT COLLECTS PERSONAL INFORMATION FROM THE CONSUMER**  
3 **AS PART OF THE CONSUMER’S INTERACTION WITH THE BUSINESS; OR**

4           **(2) A SERVICE PROVIDER FOR THE BUSINESS.**

5 **14-4502.**

6           **THIS SUBTITLE DOES NOT APPLY TO:**

7           **(1) PROTECTED HEALTH INFORMATION THAT IS COLLECTED BY A**  
8 **COVERED ENTITY OR BUSINESS ASSOCIATION GOVERNED BY THE PRIVACY**  
9 **SECURITY AND BREACH NOTIFICATION RULES IN 45 C.F.R. PARTS 160 AND 164,**  
10 **ESTABLISHED UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY AND**  
11 **ACCOUNTABILITY ACT OF 1996 AND THE FEDERAL HEALTH INFORMATION**  
12 **TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT;**

13           **(2) A HEALTH PROVIDER OR COVERED ENTITY GOVERNED BY THE**  
14 **PRIVACY SECURITY AND BREACH NOTIFICATION RULES IN 45 C.F.R. PARTS 160 AND**  
15 **164, ESTABLISHED UNDER THE FEDERAL HEALTH INSURANCE PORTABILITY AND**  
16 **ACCOUNTABILITY ACT OF 1996 AND THE FEDERAL HEALTH INFORMATION**  
17 **TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT, TO THE EXTENT THAT**  
18 **THE PROVIDER OR COVERED ENTITY MAINTAINS PATIENT INFORMATION IN THE**  
19 **SAME MANNER AS MEDICAL INFORMATION OR PROTECTED HEALTH INFORMATION**  
20 **AS DESCRIBED IN ITEM (1) OF THIS SECTION; OR**

21           **(3) INFORMATION COLLECTED AS PART OF A CLINICAL TRIAL**  
22 **SUBJECT TO THE FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS,**  
23 **IN ACCORDANCE WITH:**

24           **(i) GOOD CLINICAL PRACTICE GUIDELINES ISSUED BY THE**  
25 **INTERNATIONAL COUNCIL FOR HARMONISATION OF TECHNICAL REQUIREMENTS**  
26 **FOR PHARMACEUTICALS FOR HUMAN USE; OR**

27           **(ii) HUMAN SUBJECT PROTECTION REQUIREMENTS OF THE**  
28 **U.S. FOOD AND DRUG ADMINISTRATION.**

29 **14-4503.**

30           **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

1 (1) CHILDREN SHOULD BE AFFORDED PROTECTIONS NOT ONLY BY  
2 ONLINE PRODUCTS SPECIFICALLY DIRECTED AT THEM, BUT BY ALL ONLINE  
3 PRODUCTS THEY ARE LIKELY TO ACCESS;

4 (2) BUSINESSES THAT DEVELOP AND PROVIDE ONLINE SERVICES  
5 THAT CHILDREN ARE LIKELY TO ACCESS SHOULD CONSIDER THE BEST INTERESTS  
6 OF CHILDREN WHEN DESIGNING, DEVELOPING, AND PROVIDING THOSE ONLINE  
7 PRODUCTS; AND

8 (3) IF A CONFLICT ARISES BETWEEN COMMERCIAL INTERESTS AND  
9 THE BEST INTERESTS OF CHILDREN, COMPANIES THAT DEVELOP ONLINE PRODUCTS  
10 LIKELY TO BE ACCESSED BY CHILDREN SHALL GIVE PRIORITY TO THE PRIVACY,  
11 SAFETY, AND WELL-BEING OF CHILDREN OVER THOSE COMMERCIAL INTERESTS.

12 14-4504.

13 WHEN DETERMINING WHETHER AN ACTION IS IN THE BEST INTERESTS OF  
14 CHILDREN, A BUSINESS SHALL CONSIDER CHILDREN'S:

15 (1) PRIVACY;

16 (2) SAFETY;

17 (3) PHYSICAL HEALTH; AND

18 (4) MENTAL HEALTH.

19 ~~14-4504.~~ 14-4505.

20 (A) THIS SECTION APPLIES ONLY TO AN ONLINE PRODUCT THAT IS  
21 OFFERED TO THE PUBLIC ON OR AFTER ~~JULY 1, 2024~~ APRIL 1, 2025.

22 (B) A BUSINESS THAT PROVIDES AN ONLINE PRODUCT LIKELY TO BE  
23 ACCESSED BY CHILDREN SHALL PREPARE A DATA PROTECTION IMPACT  
24 ASSESSMENT FOR THE ONLINE PRODUCT.

25 (C) THE DATA PROTECTION IMPACT ASSESSMENT SHALL:

26 (1) IDENTIFY THE PURPOSE OF THE ONLINE PRODUCT;

27 (2) IDENTIFY HOW THE ONLINE PRODUCT USES CHILDREN'S  
28 PERSONAL INFORMATION;

1           **(3) IDENTIFY THE RISKS OF MATERIAL DETRIMENT TO CHILDREN**  
2 **THAT ARISE FROM THE DATA MANAGEMENT PRACTICES OF THE BUSINESS; AND**

3           **(4) ADDRESS, TO THE EXTENT APPLICABLE:**

4           ~~**(I) WHETHER THE DESIGN OF THE ONLINE PRODUCT COULD**~~  
5 ~~**HARM CHILDREN, INCLUDING BY EXPOSING THEM TO HARMFUL OR POTENTIALLY**~~  
6 ~~**HARMFUL CONTENT ON THE ONLINE PRODUCT;**~~

7           **(I) WHETHER ALGORITHMS USED BY THE ONLINE PRODUCT**  
8 **COULD RESULT IN HARM TO CHILDREN;**

9           **(II) WHETHER THE ~~DESIGN~~ DATA MANAGEMENT PRACTICES OF**  
10 **THE ONLINE PRODUCT COULD LEAD TO CHILDREN EXPERIENCING OR BEING**  
11 **TARGETED BY HARMFUL, OR POTENTIALLY HARMFUL, CONTACTS ON THE ONLINE**  
12 **PRODUCT;**

13           **(III) WHETHER THE ~~DESIGN~~ DATA MANAGEMENT PRACTICES OF**  
14 **THE ONLINE PRODUCT COULD ALLOW CHILDREN TO WITNESS, PARTICIPATE IN, OR**  
15 **BE SUBJECT TO HARMFUL OR POTENTIALLY HARMFUL CONDUCT ON THE ONLINE**  
16 **PRODUCT;**

17           **(IV) WHETHER THE ~~DESIGN~~ DATA MANAGEMENT PRACTICES OF**  
18 **THE ONLINE PRODUCT COULD ALLOW CHILDREN TO BE PARTY TO OR BE EXPLOITED**  
19 **BY A HARMFUL, OR POTENTIALLY HARMFUL, ~~CONTACT~~ CONTACTS ON THE ONLINE**  
20 **PRODUCT;**

21           ~~**(V) WHETHER ALGORITHMS USED BY THE ONLINE PRODUCT**~~  
22 ~~**COULD HARM CHILDREN;**~~

23           ~~**(VI)**~~ **(V) WHETHER TARGETED ADVERTISING SYSTEMS USED**  
24 **BY THE ONLINE PRODUCT COULD HARM CHILDREN;**

25           ~~**(VII)**~~ **(VI) WHETHER AND HOW THE ONLINE PRODUCT USES**  
26 **SYSTEM DESIGN FEATURES TO INCREASE, SUSTAIN, OR EXTEND USE BY CHILDREN,**  
27 **INCLUDING:**

- 28                   1.    **THE AUTOMATIC PLAYING OF MEDIA;**
- 29                   2.    **REWARDS FOR TIME SPENT; AND**
- 30                   3.    **NOTIFICATIONS; AND**

1 ~~(VIII)~~ (VII) WHETHER, HOW, AND FOR WHAT PURPOSE THE  
2 ONLINE PRODUCT COLLECTS OR PROCESSES SENSITIVE PERSONAL INFORMATION  
3 OF CHILDREN.

4 (D) (1) A DATA PROTECTION IMPACT ASSESSMENT PREPARED BY A  
5 BUSINESS FOR THE PURPOSE OF COMPLIANCE WITH ANY OTHER LAW COMPLIES  
6 WITH THIS SECTION IF THE ASSESSMENT MEETS THE REQUIREMENTS OF THIS  
7 SECTION.

8 (2) A SINGLE DATA PROTECTION IMPACT ASSESSMENT MAY ~~CONTAIN~~  
9 ~~MULTIPLE SIMILAR PROCESSING OPERATIONS THAT PRESENT SIMILAR RISKS, ONLY~~  
10 ~~IF EACH RELEVANT ONLINE PRODUCT IS ADDRESSED~~ ADDRESS A SET OF SIMILAR  
11 PROCESSING OPERATIONS THAT PRESENT SIMILAR RISKS PROVIDED NO  
12 INDIVIDUAL RISKS ARE MINIMIZED.

13 (E) A BUSINESS SHALL COMPLETE A DATA PROTECTION IMPACT  
14 ASSESSMENT ON OR BEFORE ~~JUNE 30, 2024~~ APRIL 1, 2025, FOR ANY ONLINE  
15 PRODUCT OFFERED TO THE PUBLIC THAT IS LIKELY TO BE ACCESSED BY CHILDREN  
16 BEFORE THAT DATE.

17 ~~14-4505.~~ 14-4506.

18 (A) A BUSINESS THAT PROVIDES AN ONLINE PRODUCT LIKELY TO BE  
19 ACCESSED BY CHILDREN MAY NOT OFFER THE PRODUCT TO THE PUBLIC BEFORE  
20 COMPLETING A DATA PROTECTION IMPACT ASSESSMENT.

21 (B) A BUSINESS THAT COMPLETES A DATA PROTECTION IMPACT  
22 ASSESSMENT REQUIRED BY THIS SECTION SHALL:

23 (1) MAINTAIN DOCUMENTATION OF THE ASSESSMENT FOR AS LONG  
24 AS THE ONLINE PRODUCT IS LIKELY TO BE ACCESSED BY CHILDREN;

25 (2) REVIEW EACH DATA PROTECTION IMPACT ASSESSMENT EVERY 2  
26 YEARS;

27 (3) DOCUMENT ANY RISK OF MATERIAL DETRIMENT TO CHILDREN  
28 THAT ARISES FROM THE DATA MANAGEMENT PRACTICE OF THE BUSINESS  
29 IDENTIFIED IN THE ASSESSMENT;

30 (4) CREATE A PLAN TO MITIGATE OR ELIMINATE THE RISK BEFORE  
31 THE ONLINE PRODUCT IS MADE AVAILABLE TO CHILDREN;

1           **(5) (I) ESTIMATE THE AGE OF CHILD USERS WITH A REASONABLE**  
2 **LEVEL OF CERTAINTY APPROPRIATE TO THE RISKS THAT ARISE FROM THE DATA**  
3 **MANAGEMENT PRACTICES OF THE BUSINESS; OR**

4           **(II) APPLY TO ALL CONSUMERS THE PRIVACY AND DATA**  
5 **PROTECTIONS AFFORDED TO CHILDREN;**

6           **(6) CONFIGURE ALL DEFAULT PRIVACY SETTINGS PROVIDED TO**  
7 **CHILDREN BY THE ONLINE PRODUCT TO OFFER A HIGH LEVEL OF PRIVACY, UNLESS**  
8 **THE BUSINESS CAN DEMONSTRATE A COMPELLING REASON THAT A DIFFERENT**  
9 **SETTING IS IN THE BEST INTEREST OF CHILDREN;**

10          **(7) PROVIDE ANY PRIVACY INFORMATION, TERMS OF SERVICE,**  
11 **POLICIES, AND COMMUNITY STANDARDS CONCISELY, PROMINENTLY, AND USING**  
12 **CLEAR LANGUAGE SUITED TO THE AGE OF CHILDREN LIKELY TO ACCESS THE**  
13 **ONLINE PRODUCT;**

14          **(8) PROVIDE AN OBVIOUS SIGNAL TO THE CHILD WHEN THE CHILD'S**  
15 **LOCATION IS BEING MONITORED OR TRACKED, IF THE ONLINE PRODUCT ALLOWS**  
16 **THE CHILD'S PARENT, GUARDIAN, OR ANY OTHER CONSUMER TO TRACK THE CHILD'S**  
17 **LOCATION;**

18          **(9) ENFORCE PUBLISHED TERMS, POLICIES, AND COMMUNITY**  
19 **STANDARDS ESTABLISHED BY THE BUSINESS, INCLUDING PRIVACY POLICIES, AND**  
20 **THOSE REGARDING CHILDREN; AND**

21          **(10) PROVIDE PROMINENT, ACCESSIBLE, AND RESPONSIVE TOOLS TO**  
22 **HELP CHILDREN OR THEIR PARENTS OR GUARDIANS, IF APPLICABLE, EXERCISE**  
23 **THEIR PRIVACY RIGHTS AND REPORT CONCERNS.**

24 ~~14-4506.~~ 14-4507.

25          **A BUSINESS THAT PROVIDES AN ONLINE PRODUCT LIKELY TO BE ACCESSED**  
26 **BY CHILDREN MAY NOT:**

27          **(1) USE THE PERSONAL INFORMATION OF A CHILD IN A WAY THAT**  
28 **THE BUSINESS KNOWS, OR HAS REASON TO KNOW, IS MATERIALLY DETRIMENTAL TO**  
29 **THE PHYSICAL HEALTH, MENTAL HEALTH, OR WELL-BEING OF A CHILD;**

30          **(2) PROFILE A CHILD BY DEFAULT, UNLESS:**

31                 **(I) THE BUSINESS CAN DEMONSTRATE, ~~TO THE ATTORNEY~~**  
32 **~~GENERAL'S SATISFACTION,~~ THAT THE BUSINESS HAS APPROPRIATE SAFEGUARDS IN**  
33 **PLACE TO PROTECT CHILDREN; AND**



1                   **(II) 1. PROFILING IS NECESSARY TO PROVIDE THE ONLINE**  
2 **PRODUCT REQUEST, AND IS DONE ONLY WITH RESPECT TO THE ASPECTS OF THE**  
3 **ONLINE PRODUCT WITH WHICH THE CHILD IS ACTIVELY AND KNOWINGLY ENGAGED;**  
4 **OR**

5                   **2. THE BUSINESS CAN DEMONSTRATE A COMPELLING**  
6 **REASON THAT PROFILING IS IN THE BEST INTERESTS OF CHILDREN;**

7                   **(3) COLLECT, SELL, SHARE, OR RETAIN ANY PERSONAL**  
8 **INFORMATION THAT IS UNNECESSARY TO PROVIDE AN ONLINE PRODUCT THAT A**  
9 **CHILD IS ACTIVELY AND KNOWINGLY ENGAGED WITH, UNLESS THE BUSINESS CAN**  
10 **DEMONSTRATE A COMPELLING REASON THAT THE COLLECTION, SALE, SHARING, OR**  
11 **RETENTION OF THE PERSONAL INFORMATION IS IN THE BEST INTERESTS OF**  
12 **CHILDREN LIKELY TO ACCESS THE ONLINE PRODUCT;**

13                   **(4) USE THE PERSONAL INFORMATION OF A CHILD END-USER FOR**  
14 **ANY REASON OTHER THAN THAT FOR WHICH THE PERSONAL INFORMATION WAS**  
15 **COLLECTED, UNLESS THE BUSINESS CAN DEMONSTRATE A COMPELLING REASON**  
16 **THAT THE USE OF THE PERSONAL INFORMATION IS IN THE BEST INTERESTS OF**  
17 **CHILDREN LIKELY TO ACCESS THE ONLINE PRODUCT;**

18                   **(5) COLLECT, SELL, OR SHARE ANY PRECISE GEOLOCATION**  
19 **INFORMATION OF CHILDREN BY DEFAULT, UNLESS THE COLLECTION OF THAT**  
20 **INFORMATION IS STRICTLY NECESSARY IN ORDER FOR THE BUSINESS TO PROVIDE**  
21 **THE ONLINE PRODUCT REQUESTED, AND THEN MAY ONLY DO SO FOR THE LIMITED**  
22 **TIME THAT THE COLLECTION OF PRECISE GEOLOCATION INFORMATION IS**  
23 **NECESSARY TO PROVIDE THE ONLINE PRODUCT;**

24                   **(6) COLLECT ANY PRECISE GEOLOCATION INFORMATION OF A CHILD**  
25 **WITHOUT PROVIDING AN OBVIOUS SIGN TO THE CHILD FOR THE DURATION THAT**  
26 **THE PRECISE GEOLOCATION INFORMATION IS BEING COLLECTED;**

27                   **(7) USE DARK PATTERNS TO:**

28                   **(I) LEAD OR ENCOURAGE CHILDREN TO PROVIDE PERSONAL**  
29 **INFORMATION BEYOND WHAT IS REASONABLY EXPECTED TO PROVIDE THE ONLINE**  
30 **PRODUCT;**

31                   **(II) CIRCUMVENT PRIVACY PROTECTIONS; OR**

32                   **(III) TAKE ANY ACTION THAT THE BUSINESS KNOWS, OR HAS**  
33 **REASON TO KNOW, IS MATERIALLY DETRIMENTAL TO THE CHILD'S PHYSICAL**  
34 **HEALTH, MENTAL HEALTH, OR WELL-BEING; OR**

1 (8) USE ANY PERSONAL INFORMATION COLLECTED TO ESTIMATE AGE  
2 OR AGE RANGE FOR ANY OTHER PURPOSE, RETAIN THE PERSONAL INFORMATION  
3 LONGER THAN NECESSARY TO ESTIMATE AGE, OR ATTEMPT AGE ASSURANCE IN A  
4 WAY THAT IS DISPROPORTIONATE TO THE RISKS AND DATA PRACTICE OF AN ONLINE  
5 PRODUCT.

6 ~~14-4507.~~ 14-4508.

7 (A) WITHIN 3 BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST FROM  
8 THE ~~ATTORNEY GENERAL~~ DIVISION, A BUSINESS THAT PROVIDES AN ONLINE  
9 PRODUCT LIKELY TO BE ACCESSED BY CHILDREN SHALL PROVIDE TO THE  
10 ~~ATTORNEY GENERAL~~ DIVISION A LIST OF ALL DATA PROTECTION IMPACT  
11 ASSESSMENTS THE BUSINESS HAS COMPLETED UNDER § ~~14-4504~~ 14-4505 OF THIS  
12 SUBTITLE.

13 (B) WITHIN 5 BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST FROM  
14 THE ~~ATTORNEY GENERAL~~ DIVISION, THE BUSINESS SHALL PROVIDE TO THE  
15 ~~ATTORNEY GENERAL~~ DIVISION ANY DATA PROTECTION IMPACT ASSESSMENT  
16 COMPLETED UNDER § 14-4504 OF THIS SUBTITLE.

17 (C) TO THE EXTENT THAT ANY DISCLOSURE REQUIRED UNDER SUBSECTION  
18 (B) OF THIS SECTION INCLUDES INFORMATION SUBJECT TO ATTORNEY-CLIENT  
19 PRIVILEGE OR WORK PRODUCT PROTECTION, THE DISCLOSURE MAY NOT  
20 CONSTITUTE A WAIVER OF THAT PRIVILEGE OR PROTECTION.

21 ~~14-4508.~~ 14-4509.

22 (A) ~~THE ATTORNEY GENERAL MAY FILE A CIVIL ACTION IN A COURT OF~~  
23 ~~COMPETENT JURISDICTION AGAINST A BUSINESS THAT VIOLATES THIS SUBTITLE~~  
24 ~~FOR RECOVERY OF A CIVIL PENALTY OR INJUNCTION OR BOTH~~ A VIOLATION OF THIS  
25 SUBTITLE:

26 (1) IS AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE; AND

27 (2) EXCEPT FOR § 13-410 OF THIS ARTICLE, IS SUBJECT TO THE  
28 ENFORCEMENT PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

29 (B) A BUSINESS THAT VIOLATES THIS SUBTITLE ~~SHALL BE LIABLE FOR A~~  
30 ~~CIVIL PENALTY OF NOT MORE THAN~~ IS SUBJECT TO A CIVIL PENALTY NOT  
31 EXCEEDING:

32 (1) \$2,500 PER AFFECTED CHILD FOR EACH NEGLIGENT VIOLATION;  
33 OR

1 (2) \$7,500 PER AFFECTED CHILD FOR EACH INTENTIONAL  
2 VIOLATION.

3 ~~(C) IN ADDITION TO A CIVIL PENALTY UNDER SUBSECTION (B) OF THIS~~  
4 ~~SECTION, A BUSINESS THAT VIOLATES THIS SUBTITLE IS SUBJECT TO INJUNCTION~~  
5 ~~AND OTHER APPROPRIATE RELIEF.~~

6 ~~(D) (C) CIVIL PENALTIES, FEES, AND EXPENSES RECOVERED UNDER THIS~~  
7 ~~SECTION SHALL BE DEPOSITED IN~~ THE COMMISSIONER SHALL PAY ALL FINES,  
8 PENALTIES, AND EXPENSES COLLECTED BY THE COMMISSIONER UNDER THIS  
9 SUBSECTION INTO THE GENERAL FUND WITH THE INTENT THAT ~~THEY~~ FINES,  
10 PENALTIES, AND EXPENSES BE USED TO FULLY OFFSET ANY COSTS INCURRED BY  
11 THE ATTORNEY GENERAL IN CONNECTION WITH THIS SUBTITLE.

12 ~~14-4509.~~ 14-4510.

13 (A) IF A BUSINESS IS IN SUBSTANTIAL COMPLIANCE WITH THE  
14 REQUIREMENTS OF §§ ~~14-4504~~ 14-4505 THROUGH ~~14-4506~~ 14-4507 OF THIS  
15 SUBTITLE, THE ~~ATTORNEY GENERAL~~ DIVISION SHALL PROVIDE WRITTEN NOTICE  
16 TO THE BUSINESS BEFORE FILING AN ACTION UNDER § ~~14-4508~~ 14-4509 OF THIS  
17 SUBTITLE.

18 (B) NOTICE GIVEN UNDER SUBSECTION (A) OF THIS SECTION SHALL  
19 IDENTIFY THE SPECIFIC PROVISIONS OF THIS SUBTITLE THAT THE ~~ATTORNEY~~  
20 ~~GENERAL~~ DIVISION ALLEGES HAVE BEEN OR ARE BEING VIOLATED.

21 (C) A BUSINESS MAY NOT BE LIABLE FOR A CIVIL PENALTY FOR ANY  
22 VIOLATION FOR WHICH NOTICE IS GIVEN UNDER SUBSECTION (A) OF THIS SECTION  
23 IF THE BUSINESS:

24 (1) CURES ANY VIOLATION SPECIFIED IN THE ~~ATTORNEY GENERAL'S~~  
25 DIVISION'S NOTICE WITHIN 90 DAYS AFTER RECEIVING NOTICE UNDER SUBSECTION  
26 (A) OF THIS SECTION;

27 (2) PROVIDES THE ~~ATTORNEY GENERAL~~ DIVISION WITH A WRITTEN  
28 STATEMENT THAT THE ALLEGED VIOLATIONS HAVE BEEN CURED; AND

29 (3) TAKES MEASURES TO PREVENT FUTURE VIOLATIONS THAT THE  
30 ~~ATTORNEY GENERAL~~ DIVISION AGREES TO BE SUFFICIENT.

31 ~~14-4510.~~ 14-4511.

1           **NOTHING IN THIS SUBTITLE MAY BE INTERPRETED TO PROVIDE A PRIVATE**  
2 **RIGHT OF ACTION UNDER THIS SUBTITLE OR ANY OTHER LAW.**

3 ~~14-4511.~~

4           ~~**THE SHARING OF PERSONAL INFORMATION WITHIN A JOINT VENTURE OR**~~  
5 ~~**PARTNERSHIP IS SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE AS THOUGH**~~  
6 ~~**THE JOINT VENTURE OR PARTNERSHIP DOES NOT EXIST.**~~

7 **14-4512.**

8           **NOTWITHSTANDING ANY OTHER LAW, A DATA PROTECTION IMPACT**  
9 **ASSESSMENT IS PROTECTED AS CONFIDENTIAL AND SHALL BE EXEMPT FROM**  
10 **PUBLIC DISCLOSURE, INCLUDING UNDER THE MARYLAND PUBLIC INFORMATION**  
11 **ACT.**

12 **14-4513.**

13           **THIS SUBTITLE MAY BE CITED AS THE MARYLAND AGE-APPROPRIATE**  
14 **DESIGN CODE ACT.**

15           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
16 **October 1, 2023.**

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.