

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 400

(Senators Brooks and Muse)

Judicial Proceedings

Places of Public Accommodation - Motion Picture Houses - Captioning

This bill requires a place of public accommodation that is a motion picture house to provide access to fully operational and well-maintained closed captioning technology for the general public for each screening of a motion picture that is produced and offered with closed captioning. A place of public accommodation that controls, operates, owns, or leases at least two motion picture houses in the State must provide open captioning for each motion picture it screens each week (that is produced and offered with closed captioning) for at least two screenings each week; this requirement does not apply during the first seven days after a motion picture premieres in the motion picture house.

Fiscal Summary

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

Local Effect: The bill does not materially affect local finances or operations.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Closed captioning” means a transcript or dialog of the audio portion of a television program *or motion picture* that is displayed on a television receiver screen *or a motion picture screen* when the user activates the feature.

“Open captioning” means a transcript or dialog of the audio portion of a motion picture that is displayed on a motion picture screen that cannot be turned off by any viewer.

Current Law: MCCR is the State agency charged with the enforcement of laws prohibiting discrimination in public accommodations, employment, housing, and State contracting. Under State law, an owner or operator of a place of public accommodation, or an agent or employee of the owner or operator, 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 is 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.

State law generally requires a place of public accommodation, on request, to keep closed captioning activated on any closed-captioning television receiver that is in use during regular hours in any public area.

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

Small Business Effect: To the extent that open captioning deters viewers, movie theaters’ revenues may decrease; to the extent that open captioning attracts hearing impaired or other customers, movie theaters’ revenues may increase.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1238 of 2022 and HB 1523 of 2020.

Designated Cross File: HB 264 (Delegate Bhandari, *et al.*) - Economic Matters.

Information Source(s): Maryland Commission on Civil Rights; University System of Maryland; Department of Legislative Services

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