

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1363
Economic Matters

(Delegate Bhandari)

Judicial Proceedings

Places of Public Accommodation - Captioning for Motion Picture Houses -
Alterations

This bill extends statutory provisions that govern movie captioning requirements to apply to a motion picture house with at least *four* screens. The bill also requires, on or before the 10th day of the month, each month, a motion picture house that is a place of public accommodation to report to the Maryland Commission on Civil Rights (MCCR) and the Attorney General on (1) the motion pictures screened during the preceding month that used closed movie captioning in accordance with statute; (2) if applicable, the motion pictures screened during the preceding month that used open movie captioning in accordance with statute; and (3) the times and dates that such motion pictures were screened.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

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

Small Business Effect: Potential meaningful.

Analysis

Current Law: A place of public accommodation that is a motion picture house must provide access to fully operational and well-maintained closed movie captioning technology for the general public for each screening of a motion picture that is produced and available with closed movie captioning, as required by Title III of the federal Americans with Disabilities Act.

If a motion picture is produced and available with open movie captioning, a place of public accommodation that controls, operates, owns, or leases a motion picture house with *eight* or more screens in the State must provide open movie captioning for at least two screenings for each motion picture it screens each week; this requirement does not apply to motion pictures screened fewer than five times during a seven-day period, as specified, and is applicable only to the first three weeks after premiering in the motion picture house. Beginning three weeks after the premiere, a place of public accommodation that controls, operates, owns, or leases a motion picture house with *eight* or more screens in the State may provide open movie captioning with reasonable notice.

“Closed movie captioning” means the written display of the dialogue and certain nonspeech information of a motion picture that is generally delivered to individual patrons on a captioning device in a motion picture house.

“Open movie 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 a viewer.

Discrimination in Public Accommodation Enforcement and Remedies

MCCR is the State agency generally 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 movie captioning deters viewers from a particular showing, any movie theater that qualifies as a small business (and that is not already subject to the existing requirements based on its number of screens) may experience decreased revenues; conversely, to the extent that open movie captioning attracts hearing impaired or other customers, revenues may increase. Further, the bill's reporting requirements may minimally increase workloads for movie theater staff.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Office of the Attorney General; Department of Legislative Services

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Analysis by: Amanda L. Douglas

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