

HOUSE BILL 387

P3, P2
HB 961/25 – APP

6lr1574
CF SB 41

By: **Delegates Embry, Behler, Boyce, Crutchfield, Forbes, Kaufman, Pasteur, Ruff, Ruth, Stinnett, Toles, Wolek, and Woorman**

Introduced and read first time: January 21, 2026

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2026

CHAPTER _____

1 AN ACT concerning

2 **Commissioned Public Art – Artist Rights and Registration of Art**

3 FOR the purpose of prohibiting an entity from including in a contract for certain State
4 public art a provision requiring artists to waive certain rights; requiring certain
5 State public art to be registered with the Maryland State Arts Council; requiring the
6 Council to establish, maintain, and update a certain database of certain art on its
7 website; and generally relating to artist rights and State public art.

8 BY adding to

9 Article – State Finance and Procurement

10 Section 13–230

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 **13–230.**

17 **(A) IN THIS SECTION, “STATE PUBLIC ART” MEANS PUBLIC ART**
18 **COMMISSIONED FOR A PROJECT THAT RECEIVES STATE FUNDING, REGARDLESS OF**
19 **WHETHER THE STATE FUNDING DIRECTLY PAID FOR THE PUBLIC ART.**

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 **(B) (1) AN ENTITY MAY NOT INCLUDE IN A CONTRACT FOR STATE PUBLIC**
2 **ART A REQUIREMENT THAT AN ARTIST WAIVE COPYRIGHT PROTECTIONS OR RIGHTS**
3 **UNDER 17 U.S.C. § 106A.**

4 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AND**
5 **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN ARTIST MAY CHOOSE TO**
6 **WAIVE THE ARTIST'S COPYRIGHT PROTECTIONS OR RIGHTS UNDER 17 U.S.C. § 106A**
7 **IN A CONTRACT FOR STATE PUBLIC ART.**

8 **(3) A WAIVER DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION**
9 **MUST BE IN WRITING.**

10 **(C) AN ENTITY THAT COMMISSIONS STATE PUBLIC ART SHALL REGISTER**
11 **THE ART WITH THE MARYLAND STATE ARTS COUNCIL, INCLUDING:**

12 **(1) THE NAME AND CONTACT INFORMATION OF THE ARTIST;**

13 **(2) THE LOCATION OF THE ART;**

14 **(3) THE TYPE OF ART;**

15 **(4) THE TITLE OF THE ART; AND**

16 **(5) THE DATE OF INSTALLATION OR CREATION.**

17 **(D) THE MARYLAND STATE ARTS COUNCIL SHALL ESTABLISH, MAINTAIN,**
18 **AND UPDATE A PUBLICLY AVAILABLE DATABASE OF ART REGISTERED UNDER**
19 **SUBSECTION (C) OF THIS SECTION ON ITS WEBSITE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
21 apply only prospectively and may not be applied or interpreted to have any effect on or
22 application to any contract entered into before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2026.