

HOUSE BILL 693

D3

6lr1044

HB 394/25 – JUD

By: **Delegates Grammer, Arian, Chisholm, Fisher, M. Morgan, Nawrocki, and Szeliga**

Introduced and read first time: February 2, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Distribution of Obscene Material to Minors**

3 FOR the purpose of establishing that a commercial entity that distributes obscene material
4 to minors on the Internet from certain websites is liable for certain damages;
5 prohibiting a commercial entity or third party that performs a certain age
6 verification of an individual from retaining any identifying information of an
7 individual under certain circumstances; and generally relating to the distribution of
8 obscene material to minors.

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Distribution of
12 Obscene Material to Minors”

13 Annotated Code of Maryland

14 (2020 Replacement Volume and 2025 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **SUBTITLE 27. DISTRIBUTION OF OBSCENE MATERIAL TO MINORS.**

19 **3–2701.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) "COMMERCIAL ENTITY"** MEANS A CORPORATION, LIMITED LIABILITY
2 COMPANY, PARTNERSHIP, LIMITED PARTNERSHIP, SOLE PROPRIETORSHIP, OR ANY
3 OTHER LEGALLY RECOGNIZED ENTITY.

4 **(C) "DISTRIBUTE"** MEANS TO ISSUE, SELL, GIVE, PUBLISH, PROVIDE,
5 DELIVER, TRANSFER, TRANSMIT, CIRCULATE, OR DISSEMINATE BY ANY MEANS.

6 **(D) "NEWS-GATHERING ORGANIZATION EMPLOYEE"** MEANS:

7 **(1) AN EMPLOYEE OF A NEWSPAPER, NEWS PUBLICATION, OR NEWS**
8 **SOURCE, WHETHER IN PRINT OR ON AN ONLINE OR MOBILE PLATFORM, OF CURRENT**
9 **NEWS AND PUBLIC INTEREST, WHILE OPERATING AS AN EMPLOYEE, WHO CAN**
10 **PROVIDE DOCUMENTATION OF THE EMPLOYMENT; OR**

11 **(2) AN EMPLOYEE OF A RADIO BROADCAST STATION, TELEVISION**
12 **BROADCAST STATION, CABLE TELEVISION OPERATOR, OR WIRE SERVICE WHILE**
13 **OPERATING AS AN EMPLOYEE, WHO CAN PROVIDE DOCUMENTATION OF THE**
14 **EMPLOYMENT.**

15 **(E) "OBSCENE"** HAS THE MEANING STATED IN § 11-203 OF THE CRIMINAL
16 LAW ARTICLE.

17 **(F) "REASONABLE AGE VERIFICATION METHODS"** INCLUDES VERIFYING
18 THAT A PERSON SEEKING TO ACCESS MATERIAL IS AT LEAST 18 YEARS OLD BY
19 REQUIRING THE PERSON ATTEMPTING TO ACCESS THE MATERIAL TO COMPLY WITH
20 A COMMERCIAL AGE VERIFICATION SYSTEM THAT VERIFIES IN AT LEAST ONE OF THE
21 FOLLOWING WAYS:

22 **(1) GOVERNMENT-ISSUED IDENTIFICATION; OR**

23 **(2) ANY COMMERCIALLY REASONABLE METHOD THAT RELIES ON**
24 **PUBLIC OR PRIVATE TRANSACTIONAL DATA TO VERIFY THAT THE PERSON**
25 **ATTEMPTING TO ACCESS THE INFORMATION IS AT LEAST 18 YEARS OLD.**

26 **(G) "SUBSTANTIAL PORTION"** MEANS MORE THAN ONE-THIRD OF THE
27 TOTAL MATERIAL ON A WEBSITE.

28 **(H) (1) "TRANSACTIONAL DATA"** MEANS A SEQUENCE OF INFORMATION
29 THAT DOCUMENTS AN EXCHANGE, AN AGREEMENT, OR A TRANSFER BETWEEN AN
30 INDIVIDUAL, A COMMERCIAL ENTITY, OR A THIRD PARTY USED FOR THE PURPOSE
31 OF SATISFYING A REQUEST OR AN EVENT.

3 3-2702.

4 (A) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE LIABILITY ON AN
5 INTERNET SERVICE PROVIDER, AN INTERNET SERVICE PROVIDER'S AFFILIATES OR
6 SUBSIDIARIES, A SEARCH ENGINE, OR A CLOUD SERVICE PROVIDER, SOLELY FOR
7 PROVIDING ACCESS OR CONNECTION TO OR FROM A WEBSITE OR OTHER
8 INFORMATION OR CONTENT ON THE INTERNET OR A FACILITY, SYSTEM, OR
9 NETWORK NOT UNDER THE SERVICE PROVIDER'S CONTROL INCLUDING
10 TRANSMISSION, DOWNLOADING, INTERMEDIATE STORAGE, ACCESS SOFTWARE, OR
11 OTHER SERVICE TO THE EXTENT THAT THE SERVICE PROVIDER IS NOT
12 RESPONSIBLE FOR THE CREATION OR COMMUNICATION OF THE OBSCENE
13 MATERIAL.

14 (B) THIS SECTION DOES NOT APPLY TO ANY BONA FIDE NEWS OR PUBLIC
15 INTEREST BROADCAST, WEBSITE VIDEO, REPORT, OR EVENT AND MAY NOT BE
16 CONSTRUED TO AFFECT THE RIGHTS OF ANY NEWS-GATHERING ORGANIZATION
17 EMPLOYEES.

18 (C) (1) A COMMERCIAL ENTITY THAT KNOWINGLY AND INTENTIONALLY
19 DISTRIBUTES OBSCENE MATERIAL ON THE INTERNET FROM A WEBSITE THAT
20 CONTAINS A SUBSTANTIAL PORTION OF OBSCENE MATERIAL SHALL PERFORM
21 REASONABLE AGE VERIFICATION METHODS TO VERIFY THE AGE OF INDIVIDUALS
22 ATTEMPTING TO ACCESS THE MATERIAL.

28 (D) (1) A PERSON MAY BRING AN ACTION AGAINST A COMMERCIAL
29 ENTITY THAT VIOLATES SUBSECTION (C) OF THIS SECTION FOR DAMAGES
30 RESULTING FROM:

31 (i) A MINOR'S ACCESSING OF OBSCENE MATERIAL; OR

32 (II) THE RETENTION OF IDENTIFYING INFORMATION OF AN
33 INDIVIDUAL.

1 **(2) A COURT MAY AWARD COSTS AND REASONABLE ATTORNEY'S FEES**
2 **TO A PREVAILING PLAINTIFF UNDER THIS SECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2026.