

HOUSE BILL 908

D3

6lr3131

By: **Delegate Schmidt**

Introduced and read first time: February 5, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Failure to Restrict Distribution of Sexual Material Harmful to**
3 **Minors**

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

11 BY adding to

12 Article – Courts and Judicial Proceedings

13 Section 3–2701 and 3–2702 to be under the new subtitle “Subtitle 27. Failure to
14 Restrict Distribution of Sexual Material Harmful to Minors”

15 Annotated Code of Maryland

16 (2020 Replacement Volume and 2025 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 **SUBTITLE 27. FAILURE TO RESTRICT DISTRIBUTION OF SEXUAL MATERIAL**
21 **HARMFUL TO MINORS.**

22 **3–2701.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
24 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) "COMMERCIAL ENTITY" INCLUDES A CORPORATION, A LIMITED LIABILITY COMPANY, A PARTNERSHIP, A LIMITED PARTNERSHIP, A SOLE PROPRIETORSHIP, OR ANY OTHER LEGALLY RECOGNIZED ENTITY.

(C) "DIGITAL IDENTIFICATION" MEANS INFORMATION STORED ON A DIGITAL NETWORK THAT MAY BE ACCESSED BY A COMMERCIAL ENTITY AND SERVES AS PROOF OF THE IDENTITY OF AN INDIVIDUAL.

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

(E) "NEWS-GATHERING ORGANIZATION EMPLOYEE" MEANS:

(1) AN EMPLOYEE OF A NEWSPAPER, NEWS PUBLICATION, OR NEWS SOURCE, WHETHER IN PRINT OR ON AN ONLINE OR MOBILE PLATFORM, OF CURRENT NEWS AND PUBLIC INTEREST, WHO IS ACTING WITHIN THE COURSE AND SCOPE OF THAT EMPLOYMENT, WHO CAN PROVIDE DOCUMENTATION OF THE EMPLOYMENT; OR

(2) AN EMPLOYEE OF A RADIO BROADCAST STATION, TELEVISION BROADCAST STATION, CABLE TELEVISION OPERATOR, OR WIRE SERVICE, WHO IS ACTING WITHIN THE COURSE AND SCOPE OF THAT EMPLOYMENT, WHO CAN PROVIDE DOCUMENTATION OF THE EMPLOYMENT.

(F) "OBSCENE" HAS THE MEANING STATED IN § 11-203 OF THE CRIMINAL LAW ARTICLE.

(G) "PUBLISH" MEANS TO COMMUNICATE OR MAKE INFORMATION AVAILABLE TO ANOTHER PERSON OR ENTITY ON A PUBLICLY AVAILABLE WEBSITE.

(H) "REASONABLE AGE VERIFICATION METHODS" MEANS VERIFYING THAT A PERSON SEEKING TO ACCESS SEXUAL MATERIAL HARMFUL TO MINORS IS AT LEAST 18 YEARS OLD BY REQUIRING THE PERSON ATTEMPTING TO ACCESS THE MATERIAL TO COMPLY WITH A COMMERCIAL AGE VERIFICATION SYSTEM THAT VERIFIES IN AT LEAST ONE OF THE FOLLOWING WAYS:

(1) GOVERNMENT-ISSUED IDENTIFICATION;

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

(3) DIGITAL IDENTIFICATION.

(I) “SEXUAL MATERIAL HARMFUL TO MINORS” MEANS MATERIAL THAT:

(1) IS OBSCENE; AND

(2) EXPLOITS, IS DEVOTED TO, OR PRINCIPALLY CONSISTS OF DESCRIPTIONS OF ACTUAL, SIMULATED, OR ANIMATED DISPLAYS OR DEPICTIONS OF:

(I) AN INDIVIDUAL’S PUBIC HAIR, ANUS, GENITALS, OR THE NIPPLES OF THE FEMALE BREAST;

(II) TOUCHING, CARESSING, OR FONDLING OF THE NIPPLES, BREASTS, BUTTOCKS, ANUSES, OR GENITALS; OR

(III) SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, EXCRETORY FUNCTIONS, EXHIBITIONS, OR ANY OTHER SEXUAL ACT.

(J) “SUBSTANTIAL PORTION” MEANS MORE THAN ONE-THIRD OF THE TOTAL MATERIAL ON A WEBSITE.

(K) (1) “TRANSACTIONAL DATA” MEANS A SEQUENCE OF INFORMATION THAT DOCUMENTS AN EXCHANGE, AN AGREEMENT, OR A TRANSFER BETWEEN AN INDIVIDUAL, A COMMERCIAL ENTITY, OR A THIRD PARTY USED FOR THE PURPOSE OF SATISFYING A REQUEST OR AN EVENT.

(2) “TRANSACTIONAL DATA” INCLUDES RECORDS FROM MORTGAGE, EDUCATION, AND EMPLOYMENT ENTITIES.

3-2702.

(A) THIS SECTION MAY NOT BE CONSTRUED TO IMPOSE LIABILITY ON AN INTERNET SERVICE PROVIDER OR ITS AFFILIATES OR SUBSIDIARIES, A SEARCH ENGINE, OR A CLOUD SERVICE PROVIDER SOLELY FOR PROVIDING ACCESS OR CONNECTION TO OR FROM A WEBSITE OR OTHER INFORMATION OR CONTENT ON THE INTERNET OR A FACILITY, SYSTEM, OR NETWORK NOT UNDER THE SERVICE PROVIDER’S CONTROL, INCLUDING TRANSMISSION, DOWNLOADING, INTERMEDIATE STORAGE, ACCESS SOFTWARE, OR OTHER SERVICE TO THE EXTENT THAT THE SERVICE PROVIDER IS NOT RESPONSIBLE FOR THE CREATION OR COMMUNICATION OF THE SEXUAL MATERIAL HARMFUL TO MINORS.

1 **(B) THIS SECTION DOES NOT APPLY TO ANY BONA FIDE NEWS OR PUBLIC**
2 **INTEREST BROADCAST, WEBSITE VIDEO, REPORT, OR EVENT AND MAY NOT BE**
3 **CONSTRUED TO AFFECT THE RIGHTS OF ANY NEWS-GATHERING ORGANIZATION**
4 **EMPLOYEES.**

5 **(C) (1) A COMMERCIAL ENTITY THAT KNOWINGLY AND INTENTIONALLY**
6 **DISTRIBUTES SEXUAL MATERIAL HARMFUL TO MINORS ON THE INTERNET FROM A**
7 **WEBSITE THAT CONTAINS A SUBSTANTIAL PORTION OF SEXUAL MATERIAL HARMFUL**
8 **TO MINORS SHALL PERFORM REASONABLE AGE VERIFICATION METHODS TO VERIFY**
9 **THE AGE OF INDIVIDUALS ATTEMPTING TO ACCESS THE MATERIAL.**

10 **(2) A COMMERCIAL ENTITY OR THIRD PARTY THAT PERFORMS AN**
11 **AGE VERIFICATION REQUIRED UNDER THIS SUBSECTION MAY NOT RETAIN ANY**
12 **IDENTIFYING INFORMATION ABOUT INDIVIDUALS ATTEMPTING TO ACCESS SEXUAL**
13 **MATERIAL HARMFUL TO MINORS AFTER ACCESS TO THE MATERIAL HAS BEEN**
14 **GRANTED OR DENIED.**

15 **(D) (1) A PARENT OR LEGAL GUARDIAN OF A MINOR MAY BRING AN**
16 **ACTION AGAINST A COMMERCIAL ENTITY THAT VIOLATES SUBSECTION (C)(1) OF**
17 **THIS SECTION FOR DAMAGES RESULTING FROM THE MINOR ACCESSING SEXUAL**
18 **MATERIAL HARMFUL TO MINORS.**

19 **(2) A PERSON MAY BRING AN ACTION AGAINST A COMMERCIAL**
20 **ENTITY THAT VIOLATES SUBSECTION (C)(2) OF THIS SECTION FOR DAMAGES**
21 **RESULTING FROM THE RETENTION OF IDENTIFYING INFORMATION OF AN**
22 **INDIVIDUAL.**

23 **(3) A COURT MAY AWARD COSTS, REASONABLE ATTORNEY'S FEES,**
24 **AND ANY OTHER RELIEF THE COURT CONSIDERS APPROPRIATE TO A PREVAILING**
25 **PLAINTIFF UNDER THIS SECTION.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2026.**