

HOUSE BILL 1411

M5, L6, Q4

6lr3562

By: **Delegate Ruth**

Introduced and read first time: February 13, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Data Center Planning and Transparency Act**

3 FOR the purpose of requiring an owner or operator of a certain large-scale data center to
4 submit a certain disclosure report to certain State and local agencies and elected
5 officials under certain circumstances; specifying the contents of the disclosure report;
6 requiring the Department of the Environment to publish the disclosure report on its
7 website within a certain period of time; requiring, on or before a certain date, each
8 local jurisdiction with a certain population of residents to develop and adopt by local
9 law a large-scale data center plan in a certain manner; requiring certain local
10 jurisdictions to submit the plan to the Department of Planning within a certain
11 period of time; requiring the Department of Planning to publish the plan on its
12 website within a certain period of time; requiring certain local jurisdictions to adopt
13 zoning regulations to implement the plan; prohibiting an officer or a unit of State
14 government from using any part of an appropriation to provide certain financial
15 assistance or incentives to an owner or operator of a large-scale data center unless
16 certain conditions are met; altering the requirements for qualified data center
17 personal property to be eligible for an exemption from the sales and use tax; and
18 generally relating to data centers.

19 BY adding to

20 Article – Environment

21 Section 19–101 and 19–102 to be under the new title “Title 19. Data Centers”

22 Annotated Code of Maryland

23 (2014 Replacement Volume and 2025 Supplement)

24 BY adding to

25 Article – Land Use

26 Section 1–401(b)(19) and 4–217

27 Annotated Code of Maryland

28 (2012 Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Land Use
3 Section 1–401(b)(19) through (32)
4 Annotated Code of Maryland
5 (2012 Volume and 2025 Supplement)

6 BY adding to
7 Article – State Finance and Procurement
8 Section 7–240
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2025 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Tax – General
13 Section 11–239(a)(1) through (3)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Tax – General
18 Section 11–239(c)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2025 Supplement)

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

23 **Article – Environment**

24 **TITLE 19. DATA CENTERS.**

25 **19–101.**

26 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (B) “DATA CENTER” HAS THE MEANING STATED IN § 11–239 OF THE TAX –
29 GENERAL ARTICLE.

30 (C) “DISCLOSURE REPORT” MEANS THE DISCLOSURE REPORT THAT AN
31 OWNER OR OPERATOR OF A PROPOSED, PLANNED, OR APPROVED LARGE–SCALE
32 DATA CENTER IS REQUIRED TO PROVIDE UNDER § 19–102 OF THIS TITLE.

33 (D) “LARGE–SCALE DATA CENTER” HAS THE MEANING STATED IN §
34 4–217 OF THE LAND USE ARTICLE.

1 **(E) “MULTITENANT DATA CENTER” HAS THE MEANING STATED IN § 4-217**
2 **OF THE LAND USE ARTICLE.**

3 **19-102.**

4 **(A) (1) AN OWNER OR OPERATOR OF A PROPOSED, PLANNED, OR**
5 **APPROVED LARGE-SCALE DATA CENTER SHALL SUBMIT A DISCLOSURE REPORT TO:**

6 **(I) THE DEPARTMENT;**

7 **(II) THE MARYLAND ENERGY ADMINISTRATION;**

8 **(III) THE LOCAL APPROVING AUTHORITIES FOR PLANNING,**
9 **ECONOMIC DEVELOPMENT, PERMITTING, AND ENVIRONMENT, AS APPLICABLE, OF**
10 **THE LOCAL JURISDICTION IN WHICH THE DATA CENTER WILL BE LOCATED; AND**

11 **(IV) ANY STATE AND LOCAL ELECTED OFFICIAL REPRESENTING**
12 **THE AREA IN WHICH THE DATA CENTER WILL BE LOCATED.**

13 **(2) A DISCLOSURE REPORT SHALL BE SUBMITTED TO THE ENTITIES**
14 **LISTED IN PARAGRAPH (1) OF THIS SUBSECTION BY THE EARLIER OF THE**
15 **FOLLOWING:**

16 **(I) 60 DAYS BEFORE THE OWNER OR OPERATOR SUBMITS AN**
17 **APPLICATION FOR ANY GRANT, LOAN, OR OTHER FINANCIAL ASSISTANCE OR**
18 **INCENTIVE, INCLUDING A TAX INCENTIVE, TO A UNIT OF STATE GOVERNMENT; OR**

19 **(II) 60 DAYS BEFORE THE OWNER OR OPERATOR SUBMITS AN**
20 **APPLICATION FOR ANY PERMIT, APPROVAL, OR LICENSE REQUIRED BY FEDERAL,**
21 **STATE, OR LOCAL LAW TO CONSTRUCT OR OPERATE A LARGE-SCALE DATA CENTER.**

22 **(B) A DISCLOSURE REPORT SHALL INCLUDE:**

23 **(1) THE NAME AND ADDRESS OF:**

24 **(I) THE FACILITY;**

25 **(II) THE OPERATOR OF THE FACILITY; AND**

26 **(III) THE OWNER OF THE LAND, BUILDING, AND COMPUTER**
27 **EQUIPMENT ASSOCIATED WITH THE FACILITY;**

28 **(2) A DETAILED DESCRIPTION FOR:**

- 1 **(I) DEMONSTRATING THE NEED FOR THE FACILITY;**
- 2 **(II) EXPLAINING THE REASONING FOR THE LOCATION OF THE**
3 **FACILITY; AND**
- 4 **(III) OUTLINING THE COMMUNITY BENEFITS THAT WILL BE**
5 **PROVIDED BY THE FACILITY;**
- 6 **(3) INFORMATION ON WHETHER:**
- 7 **(I) THE OWNER OR OPERATOR HAS SIGNED AN**
8 **INTERCONNECTION AGREEMENT, AND IF SO:**
- 9 **1. THE STATUS OF THE FACILITY'S INTERCONNECTION**
10 **TO A UTILITY SYSTEM OR TRANSMISSION GRID; AND**
- 11 **2. WHETHER A LOAD STUDY HAS ALREADY BEEN**
12 **CONDUCTED;**
- 13 **(II) THE FACILITY HAS BEEN PREVIOUSLY PROPOSED AT**
14 **ANOTHER LOCATION IN THE STATE OR IN ANOTHER STATE; AND**
- 15 **(III) THE FACILITY IS A MULTITENANT DATA CENTER;**
- 16 **(4) THE TOTAL SQUARE FOOTAGE OF THE FACILITY;**
- 17 **(5) THE MEAN AMOUNT OF PROJECTED DAILY ELECTRICITY USAGE**
18 **MEASURED IN MEGAWATTS;**
- 19 **(6) THE MEAN AMOUNT OF PROJECTED ELECTRICITY USAGE PER**
20 **HOUR DURING PEAK LOAD MEASURED IN MEGAWATTS AND FREQUENCY OF PEAK**
21 **LOAD PER WEEK;**
- 22 **(7) THE SOURCE OF POWER FOR THE FACILITY, INCLUDING A COPY**
23 **OF ANY POWER PURCHASE AGREEMENT FOR SUPPLYING ELECTRICITY TO THE**
24 **FACILITY WITH AN ESTIMATE ON THE LEVEL OF GREENHOUSE GAS EMISSIONS**
25 **ASSOCIATED WITH THE PROJECTED ELECTRICITY USAGE;**
- 26 **(8) ANY ANTICIPATED NEED FOR ADDITIONAL POWER**
27 **INFRASTRUCTURE, INCLUDING TRANSMISSION LINES AND SUBSTATIONS;**

1 **(9) THE NUMBER, SIZE, FUEL SOURCE, AND PROJECTED EMISSIONS**
2 **OF ANY BACKUP GENERATORS FOR THE FACILITY;**

3 **(10) THE TYPE, CAPACITY, AND PROJECTED EMISSIONS OF ANY**
4 **ON-SITE GENERATION FOR REGULAR OPERATION;**

5 **(11) THE TYPE OF COOLING SYSTEM, SOURCES OF WATER, AND**
6 **ESTIMATED VOLUME OF WATER APPROPRIATION NEEDED, IF APPLICABLE;**

7 **(12) THE PROJECTED NOISE LEVELS EMITTED BY THE FACILITY**
8 **ESTIMATED IN DECIBELS:**

9 **(i) 1. AT THE FACILITY PROPERTY LINE; AND**

10 **2. AT PROPERTIES LOCATED WITHIN A 0.25-MILE,**
11 **0.50-MILE, AND 1.0-MILE RADIUS OF THE FACILITY PROPERTY LINE; AND**

12 **(ii) FOR WHEN THE FACILITY WILL BE OPERATING ALL**
13 **COOLING AND COMPUTER EQUIPMENT AND REGULAR TESTING OF ALL EMERGENCY**
14 **GENERATORS AT FULL LOAD;**

15 **(13) ESTIMATED MILESTONE DATES FOR DESIGN AND CONSTRUCTION;**

16 **(14) THE NUMBER AND TYPE OF PERMANENT POSTCONSTRUCTION**
17 **JOBS THE FACILITY WILL PROVIDE; AND**

18 **(15) ANY STATE, COUNTY, OR LOCAL GRANT, LOAN, OR OTHER**
19 **FINANCIAL ASSISTANCE OR INCENTIVE, INCLUDING A TAX INCENTIVE, THE OWNER**
20 **OR OPERATOR OF THE FACILITY INTENDS TO APPLY FOR.**

21 **(c) IF THERE ARE SUBSTANTIAL CHANGES TO ANY OF THE ITEMS REQUIRED**
22 **UNDER SUBSECTION (b) OF THIS SECTION, THE OWNER OR OPERATOR OF THE**
23 **LARGE-SCALE DATA CENTER SHALL SUBMIT AN AMENDED DISCLOSURE REPORT IN**
24 **ACCORDANCE WITH THIS SECTION.**

25 **(d) (1) NEITHER THE DISCLOSURE REPORT NOR ANY OF ITS CONTENTS**
26 **SHALL BE CONSIDERED PRIVILEGED OR CONFIDENTIAL INFORMATION.**

27 **(2) WITHIN 30 DAYS AFTER RECEIVING A DISCLOSURE REPORT, THE**
28 **DEPARTMENT SHALL PUBLISH THE DISCLOSURE REPORT ON ITS WEBSITE.**

29 **Article – Land Use**

(b) The following provisions of this division apply to a charter county:

(19) § 4–217 (DATA CENTER ZONING);

~~[(19)]~~ **(20)** Title 4, Subtitle 5 (Accessory Dwelling Units);

~~[(20)]~~ **(21)** § 5–102(d) (Subdivision regulations – Burial sites);

~~[(21)]~~ **(22)** § 5–104 (Major subdivision – Review);

~~[(22)]~~ **(23)** Title 7, Subtitle 1 (Development Mechanisms);

~~[(23)]~~ **(24)** Title 7, Subtitle 2 (Transfer of Development Rights);

~~[(24)]~~ **(25)** except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

~~[(25)]~~ **(26)** Title 7, Subtitle 4 (Inclusionary Zoning);

~~[(26)]~~ **(27)** Title 7, Subtitle 5 (Housing Expansion and Affordability);

~~[(27)]~~ **(28)** § 8–401 (Conversion of overhead facilities);

~~[(28)]~~ **(29)** for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

~~[(29)]~~ **(30)** for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

~~[(30)]~~ **(31)** for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

~~[(31)]~~ **(32)** for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and

~~[(32)]~~ **(33)** Title 11, Subtitle 2 (Civil Penalty).

4–217.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 **(2) “DATA CENTER” HAS THE MEANING STATED IN § 11-239 OF THE**
2 **TAX – GENERAL ARTICLE.**

3 **(3) (I) “LARGE-SCALE DATA CENTER” MEANS A DATA CENTER**
4 **THAT IS PROJECTED TO HAVE AN AGGREGATE MONTHLY DEMAND OF AT LEAST 20**
5 **MEGAWATTS.**

6 **(II) “LARGE-SCALE DATA CENTER” INCLUDES A MULTITENANT**
7 **DATA CENTER THAT IS PROJECTED TO HAVE AN AGGREGATE MONTHLY DEMAND OF**
8 **AT LEAST 20 MEGAWATTS.**

9 **(4) “MULTITENANT DATA CENTER” MEANS A FACILITY THAT LEASES**
10 **SPACE TO MULTIPLE DATA CENTER OPERATORS AND MAY PROVIDE SHARED**
11 **SERVICES INCLUDING POWER, COOLING, AND INTERNET CONNECTIVITY.**

12 **(5) “PLAN” MEANS THE LARGE-SCALE DATA CENTER PLAN ADOPTED**
13 **BY A LOCAL JURISDICTION UNDER THIS SECTION.**

14 **(B) THIS SECTION APPLIES ONLY TO A LOCAL JURISDICTION WITH A**
15 **POPULATION OF AT LEAST 10,000 RESIDENTS.**

16 **(C) (1) ON OR BEFORE JUNE 30, 2027, EACH LOCAL JURISDICTION SHALL**
17 **DEVELOP AND ADOPT BY LOCAL LAW A LARGE-SCALE DATA CENTER PLAN IN**
18 **ACCORDANCE WITH THIS SECTION.**

19 **(2) WITHIN 60 DAYS AFTER ADOPTING THE PLAN, THE LOCAL**
20 **JURISDICTION SHALL SUBMIT THE PLAN TO THE DEPARTMENT OF PLANNING.**

21 **(D) THE PLAN SHALL:**

22 **(1) BE CONSISTENT WITH THE LOCAL JURISDICTION’S SUSTAINABLE**
23 **GROWTH PRINCIPLES AND COMPREHENSIVE PLAN;**

24 **(2) INCLUDE POLICIES THAT:**

25 **(I) PROMOTE SUSTAINABLE DEVELOPMENT AND PROTECT THE**
26 **ENVIRONMENT;**

27 **(II) MAINTAIN COMMUNITY CHARACTER;**

28 **(III) ENSURE A TRANSPARENT AND INCLUSIVE PROCESS;**

29 **(IV) MAXIMIZE LOCAL ECONOMIC BENEFITS;**

1 (V) PROTECT COMMUNITY AND PUBLIC HEALTH; AND

2 (VI) PROTECT UTILITY RATEPAYERS; AND

3 (3) INCLUDE RECOMMENDATIONS FOR:

4 (I) SITING GUIDELINES, INCLUDING LOCATIONS WHERE
5 LARGE-SCALE DATA CENTER DEVELOPMENT MAY BE DESIRABLE AND LOCATIONS
6 WHERE DEVELOPMENT SHOULD BE RESTRICTED, WITH CONSIDERATION FOR:

7 1. UNDERSERVED AND OVERBURDENED COMMUNITIES;

8 2. AREAS CERTIFIED AS A PRIORITY PRESERVATION
9 AREA UNDER § 2-518 OF THE AGRICULTURE ARTICLE;

10 3. AREAS DESIGNATED BY THE RURAL LEGACY BOARD
11 AS A RURAL LEGACY AREA UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL
12 RESOURCES ARTICLE;

13 4. AGRICULTURAL LAND;

14 5. UNDEVELOPED LAND; AND

15 6. PROXIMITY TO SCHOOLS, DAYCARES, PARKS, OR
16 MEDICAL FACILITIES;

17 (II) ENVIRONMENTAL PROTECTION, WITH CONSIDERATION FOR
18 CUMULATIVE IMPACTS;

19 (III) REQUIREMENTS FOR PUBLIC NOTICE THAT PROVIDE AN
20 OPPORTUNITY FOR PUBLIC INPUT MEETINGS AND ENSURE ONGOING PROJECT
21 TRANSPARENCY, INCLUDING REQUIRING AT LEAST TWO PUBLIC INPUT MEETINGS
22 BEFORE ANY LOCAL DEVELOPMENT PLANS OR PERMITS FOR A LARGE-SCALE DATA
23 CENTER ARE APPROVED;

24 (IV) REQUIREMENTS FOR COMMUNITY BENEFITS;

25 (V) CONSIDERATIONS FOR LOCATING ADDITIONAL POWER
26 SUPPORT INFRASTRUCTURE THAT MAY BE NEEDED, INCLUDING TRANSMISSION
27 LINES AND SUBSTATIONS;

1 (VI) CONSIDERATIONS FOR DEVELOPMENT RESTRICTIONS,
2 INCLUDING SIZE LIMITATIONS; AND

3 (VII) CONSIDERATIONS FOR COUNTY GRANTS, LOANS, AND TAX
4 CREDITS.

5 (E) IN DEVELOPING THE PLAN, THE LOCAL JURISDICTION SHALL HOLD AT
6 LEAST TWO MEETINGS TO SOLICIT PUBLIC INPUT.

7 (F) A LOCAL JURISDICTION SHALL ADOPT:

8 (1) ZONING REGULATIONS TO IMPLEMENT THE PLAN, INCLUDING
9 REGULATIONS GOVERNING WHERE LARGE-SCALE DATA CENTERS WILL BE:

10 (I) PROHIBITED;

11 (II) ALLOWED BY SPECIAL EXCEPTION; AND

12 (III) ALLOWED BY RIGHT, IF APPLICABLE;

13 (2) ANY ZONING OVERLAYS DEEMED NECESSARY TO IMPLEMENT THE
14 PLAN; AND

15 (3) ANY OTHER ZONING REQUIREMENT OR RESTRICTION DEEMED
16 NECESSARY TO IMPLEMENT THE PLAN.

17 (G) THE DEPARTMENT OF PLANNING:

18 (1) SHALL PUBLISH EACH LARGE-SCALE DATA CENTER PLAN WITHIN
19 30 DAYS AFTER RECEIVING THE PLAN FROM A LOCAL JURISDICTION; AND

20 (2) MAY DEVELOP GUIDANCE, MODEL ORDINANCES, AND OTHER
21 RESOURCES TO ASSIST LOCAL JURISDICTIONS IN PLANNING FOR DATA CENTER
22 DEVELOPMENT.

23 Article – State Finance and Procurement

24 7-240.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

1 **(II) IN ADDITION TO THE REQUIREMENTS UNDER**
2 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR A LARGE-SCALE DATA CENTER, AS**
3 **DEFINED IN § 4-217 OF THE LAND USE ARTICLE, THE APPLICATION MUST**
4 **DEMONSTRATE THAT:**

5 **1. THE APPLICANT IS IN COMPLIANCE WITH § 19-102 OF**
6 **THE ENVIRONMENT ARTICLE; AND**

7 **2. THE LOCAL JURISDICTION IN WHICH THE**
8 **LARGE-SCALE DATA CENTER IS LOCATED HAS ADOPTED A LARGE-SCALE DATA**
9 **CENTER PLAN AND THE ZONING REGULATIONS NECESSARY TO IMPLEMENT THE**
10 **PLAN, IN ACCORDANCE WITH § 4-217 OF THE LAND USE ARTICLE.**

11 (3) If, based on the information and supporting documentation provided in
12 the application, the Department determines the applicant is eligible for the sales and use
13 tax exemption under subsection (b) of this section, the Department shall certify the
14 eligibility of the applicant.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
16 1, 2026.