

SENATE BILL 616

C2, P1, I3

6lr0731
CF 6lr1663

By: **Senators Hester, Gile, Ferguson, Love, Hettleman, Lam, and King**

Introduced and read first time: February 5, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Data Broker Registry**

3 FOR the purpose of establishing a data broker registry; requiring certain data brokers to
4 register each year with the Comptroller; and generally relating to data brokers.

5 BY adding to

6 Article – Business Regulation

7 Section 19–1001 through 19–1005 to be under the new subtitle “Subtitle 10. Data
8 Broker Registry”

9 Annotated Code of Maryland

10 (2024 Replacement Volume and 2025 Supplement)

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

13 **Article – Business Regulation**

14 **SUBTITLE 10. DATA BROKER REGISTRY.**

15 **19–1001.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) (1) “BIOMETRIC INFORMATION” MEANS A RECORD OF ONE OR MORE
19 MEASURABLE BIOLOGICAL OR BEHAVIORAL CHARACTERISTICS THAT CAN BE USED
20 ALONE OR IN COMBINATION WITH EACH OTHER OR WITH OTHER INFORMATION FOR
21 AUTOMATED RECOGNITION OF A KNOWN OR UNKNOWN INDIVIDUAL.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) “BIOMETRIC INFORMATION” INCLUDES:

- (I) FINGERPRINTS;**
- (II) RETINA AND IRIS PATTERNS;**
- (III) VOICEPRINTS;**
- (IV) DNA SEQUENCE;**
- (V) FACIAL CHARACTERISTICS;**
- (VI) GAIT;**
- (VII) HANDWRITING;**
- (VIII) KEYSTROKE DYNAMICS; AND**
- (IX) MOUSE MOVEMENTS.**

(3) “BIOMETRIC INFORMATION” DOES NOT INCLUDE:

- (I) WRITING SAMPLES;**
- (II) WRITTEN SIGNATURES;**
- (III) HUMAN BIOLOGICAL SAMPLES USED FOR VALID SCIENTIFIC TESTING OR SCREENING;**
- (IV) DEMOGRAPHIC DATA;**
- (V) TATTOO DESCRIPTIONS;**
- (VI) PHYSICAL DESCRIPTIONS, SUCH AS HEIGHT, WEIGHT, HAIR COLOR, OR EYE COLOR; OR**
- (VII) DONATED ORGANS, TISSUES, OR PARTS, OR BLOOD OR SERUM STORED ON BEHALF OF RECIPIENTS OR POTENTIAL RECIPIENTS OF LIVING OR CADAVERIC TRANSPLANTS AND OBTAINED OR STORED BY A FEDERALLY DESIGNATED ORGAN PROCUREMENT AGENCY.**

1 **(C) “BROKERED PERSONAL DATA” MEANS ANY OF THE FOLLOWING**
2 **COMPUTERIZED DATA ELEMENTS ABOUT A RESIDENT INDIVIDUAL, IF CATEGORIZED**
3 **OR ORGANIZED FOR SALE OR LICENSING TO ANOTHER ENTITY:**

4 **(1) THE RESIDENT INDIVIDUAL’S NAME OR THE NAME OF A MEMBER**
5 **OF THE RESIDENT INDIVIDUAL’S IMMEDIATE FAMILY OR HOUSEHOLD;**

6 **(2) THE RESIDENT INDIVIDUAL’S ADDRESS OR AN ADDRESS FOR A**
7 **MEMBER OF THE RESIDENT INDIVIDUAL’S IMMEDIATE FAMILY OR HOUSEHOLD;**

8 **(3) THE RESIDENT INDIVIDUAL’S DATE OF BIRTH OR PLACE OF BIRTH;**

9 **(4) THE MAIDEN NAME OF THE RESIDENT INDIVIDUAL’S MOTHER;**

10 **(5) BIOMETRIC INFORMATION ABOUT THE RESIDENT INDIVIDUAL;**

11 **(6) PERSONAL DATA ABOUT THE RESIDENT INDIVIDUAL;**

12 **(7) THE RESIDENT INDIVIDUAL’S SOCIAL SECURITY NUMBER OR THE**
13 **NUMBER OF ANY OTHER GOVERNMENT–ISSUED IDENTIFICATION FOR THE**
14 **RESIDENT INDIVIDUAL; OR**

15 **(8) OTHER INFORMATION THAT, ALONE OR IN COMBINATION WITH**
16 **OTHER INFORMATION THAT IS SOLD OR LICENSED, CAN REASONABLY BE**
17 **ASSOCIATED WITH THE RESIDENT INDIVIDUAL.**

18 **(D) (1) “BUSINESS ENTITY” MEANS:**

19 **(I) A RESIDENT INDIVIDUAL WHO REGULARLY ENGAGES IN**
20 **COMMERCIAL ACTIVITY FOR THE PURPOSE OF GENERATING INCOME;**

21 **(II) A CORPORATION OR NONPROFIT CORPORATION, LIMITED**
22 **LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP,**
23 **BUSINESS TRUST, JOINT VENTURE, OR ANY OTHER FORM OF BUSINESS**
24 **ORGANIZATION THE CONSTITUENT PARTS OF WHICH SHARE A COMMON ECONOMIC**
25 **INTEREST; OR**

26 **(III) AN INDIVIDUAL THAT CONTROLS, IS CONTROLLED BY, OR IS**
27 **UNDER COMMON CONTROL WITH A PERSON DESCRIBED IN ITEM (I) OR (II) OF THIS**
28 **PARAGRAPH.**

29 **(2) “BUSINESS ENTITY” DOES NOT INCLUDE THE STATE OR A UNIT OF**
30 **THE STATE, A LOCAL GOVERNMENT, OR A BUSINESS ENTITY OR OTHER PERSON**

DURING A PERIOD IN WHICH THE BUSINESS ENTITY OR PERSON IS ACTING SOLELY ON BEHALF OF AND AT THE DIRECTION OF THE STATE, A UNIT OF THE STATE, OR A LOCAL GOVERNMENT.

(E) (1) "DATA BROKER" MEANS ANY BUSINESS ENTITY THAT ENGAGES IN DATA BROKERING.

(2) "DATA BROKER" DOES NOT INCLUDE:

(I) A CONSUMER REPORTING AGENCY, AS DEFINED IN 15 U.S.C. § 1681A, A PERSON THAT FURNISHES INFORMATION TO A CONSUMER REPORTING AGENCY, AS PROVIDED IN 15 U.S.C. § 1681S-2, OR A USER OF A CONSUMER REPORT, AS DEFINED IN 15 U.S.C. § 1681A, TO THE EXTENT THAT THE CONSUMER REPORTING AGENCY, THE PERSON THAT FURNISHES INFORMATION TO A CONSUMER REPORTING AGENCY, OR THE USER OF A CONSUMER REPORT ENGAGES IN ACTIVITIES THAT ARE SUBJECT TO REGULATION UNDER THE FEDERAL FAIR CREDIT REPORTING ACT, 15 U.S.C. § 1681;

(II) A FINANCIAL INSTITUTION, AN AFFILIATE, OR A NONAFFILIATED THIRD PARTY, AS THOSE TERMS ARE DEFINED IN 15 U.S.C. § 6809, TO THE EXTENT THAT THE FINANCIAL INSTITUTION, AFFILIATE, OR NONAFFILIATED THIRD PARTY IS SUBJECT TO REGULATION UNDER TITLE V OF THE GRAMM-LEACH-BLILEY ACT, 15 U.S.C. §§ 6801 THROUGH 6809 AND REGULATIONS ADOPTED UNDER TITLE V OF THE GRAMM-LEACH-BLILEY ACT; OR

(III) A NONPROFIT ORGANIZATION THAT IS ORGANIZED FOR PURPOSES OF ASSISTING:

1. LAW ENFORCEMENT AGENCIES IN INVESTIGATING CRIMINAL OR FRAUDULENT ACTS RELATING TO INSURANCE; OR

2. FIRST RESPONDERS IN RESPONDING TO EMERGENCIES OR CATASTROPHIC EVENTS.

(F) (1) "DATA BROKERING" MEANS THE ACT OF COLLECTING, SELLING, OR LICENSING BROKERED PERSONAL DATA.

(2) "DATA BROKERING" DOES NOT INCLUDE A BUSINESS ENTITY'S COLLECTION, SALE, OR LICENSING OF BROKERED PERSONAL DATA FROM A CONSUMER WITH WHOM THE BUSINESS ENTITY HAS A DIRECT RELATIONSHIP BECAUSE THE CONSUMER IS:

1 (I) A CUSTOMER, CLIENT, SUBSCRIBER, USER, OR REGISTERED
2 USER OF THE BUSINESS ENTITY'S GOODS OR SERVICES IN THE IMMEDIATELY
3 PRECEDING 5 CALENDAR YEARS;

4 (II) AN EMPLOYEE, A CONTRACTOR, OR AN AGENT OF THE
5 BUSINESS ENTITY; OR

6 (III) AN INVESTOR IN THE BUSINESS ENTITY.

7 (G) "DE-IDENTIFIED DATA" MEANS DATA THAT CANNOT REASONABLY BE
8 USED TO INFER INFORMATION ABOUT OR OTHERWISE BE LINKED TO AN IDENTIFIED
9 OR IDENTIFIABLE INDIVIDUAL OR A DEVICE LINKED TO THAT INDIVIDUAL,
10 PROVIDED THAT THE PERSON IN CONTROL OF THE DATA:

11 (1) TAKES REASONABLE MEASURES TO ENSURE THAT THE DATA
12 CANNOT BE ASSOCIATED WITH A NATURAL PERSON;

13 (2) PUBLICLY COMMITS TO MAINTAIN AND USE THE DATA ONLY IN A
14 DE-IDENTIFIED FASHION AND NOT ATTEMPT TO RE-IDENTIFY THE DATA; AND

15 (3) CONTRACTUALLY OBLIGATES ANY RECIPIENTS OF THE
16 INFORMATION TO COMPLY WITH ALL PROVISIONS OF THIS SUBSECTION.

17 (H) (1) "PERSONAL DATA" MEANS ANY INFORMATION THAT IS LINKED OR
18 REASONABLY LINKED TO AN IDENTIFIED OR IDENTIFIABLE NATURAL PERSON.

19 (2) "PERSONAL DATA" DOES NOT INCLUDE DE-IDENTIFIED DATA OR
20 PUBLICLY AVAILABLE INFORMATION.

21 (I) "RESIDENT INDIVIDUAL" MEANS AN INDIVIDUAL WHO RESIDES IN THE
22 STATE.

23 19-1002.

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DATA
25 BROKER SHALL REGISTER WITH THE COMPTROLLER AS PROVIDED IN § 19-1003 OF
26 THIS SUBTITLE.

27 (B) A DATA BROKER IS NOT REQUIRED TO REGISTER WITH THE
28 COMPTROLLER IF THE ONLY BROKERED PERSONAL DATA INVOLVES:

29 (1) PROVIDING PUBLICLY AVAILABLE INFORMATION THAT IS
30 RELATED TO A RESIDENT INDIVIDUAL'S BUSINESS OR PROFESSION;

1 **(2) PROVIDING PUBLICLY AVAILABLE INFORMATION AS PART OF A**
2 **SERVICE THAT PROVIDES ALERTS FOR HEALTH OR SAFETY PURPOSES;**

3 **(3) PROVIDING DIRECTORY ASSISTANCE OR DIRECTORY**
4 **INFORMATION SERVICES AS OR ON BEHALF OF A TELECOMMUNICATIONS CARRIER;**
5 **OR**

6 **(4) SELLING THE ASSETS OF A BUSINESS ENTITY OR A PART OF A**
7 **BUSINESS ENTITY A SINGLE TIME OR ONLY OCCASIONALLY AS PART OF A TRANSFER**
8 **OF CONTROL OVER THE ASSETS THAT IS NOT PART OF THE ORDINARY CONDUCT OF**
9 **THE BUSINESS ENTITY OR THE PART OF THE BUSINESS ENTITY.**

10 **19-1003.**

11 **(A) (1) ON OR BEFORE JANUARY 31 EACH YEAR, A BUSINESS ENTITY**
12 **THAT ACTED AS A DATA BROKER DURING THE PREVIOUS CALENDAR YEAR SHALL:**

13 **(I) SUBMIT ON A FORM AND IN A FORMAT THE COMPTROLLER**
14 **SPECIFIES:**

- 15 1. **THE NAME OF THE DATA BROKER;**
- 16 2. **THE STREET ADDRESS AND TELEPHONE NUMBER OF**
17 **THE DATA BROKER; AND**
- 18 3. **THE DATA BROKER'S PRIMARY WEBSITE AND E-MAIL**
19 **ADDRESS;**

20 **(II) PAY A FEE IN AN AMOUNT THAT THE COMPTROLLER**
21 **DETERMINES; AND**

22 **(III) INCLUDE WITH THE REGISTRATION FORM A DECLARATION**
23 **IN WHICH THE DATA BROKER:**

24 1. **STATES WHETHER A RESIDENT INDIVIDUAL'S**
25 **PRECISE GEOLOCATION INFORMATION IS A PART OF THE DATA BROKER'S DATA**
26 **BROKERING ACTIVITY;**

27 2. **STATES WHETHER A RESIDENT INDIVIDUAL'S**
28 **CONSUMER HEALTH DATA IS A PART OF THE DATA BROKER'S DATA BROKERING**
29 **ACTIVITY;**

1 **3. STATES WHETHER RESIDENT INDIVIDUALS MAY OPT**
2 **OUT OF ALL OR A PORTION OF THE DATA BROKER’S USE OF THEIR BROKERED**
3 **PERSONAL DATA;**

4 **4. A. IDENTIFIES WHICH OF THE DATA BROKER’S**
5 **ACTIVITIES A RESIDENT INDIVIDUAL MAY OPT OUT OF; AND**

6 **B. IDENTIFIES WHICH PORTION OF A RESIDENT**
7 **INDIVIDUAL’S BROKERED PERSONAL DATA THE RESIDENT INDIVIDUAL MAY OPT**
8 **OUT FROM PROVIDING OR PERMITTING THE DATA BROKER TO USE;**

9 **5. DESCRIBES THE METHOD BY WHICH A RESIDENT**
10 **INDIVIDUAL MAY EXERCISE THE CHOICES DESCRIBED IN ITEMS 3 AND 4 OF THIS**
11 **ITEM; AND**

12 **6. STATES WHETHER A RESIDENT INDIVIDUAL MAY**
13 **AUTHORIZE AN INDIVIDUAL TO EXERCISE THE OPTIONS DESCRIBED IN ITEMS 3 AND**
14 **4 OF THIS ITEM ON THE RESIDENT INDIVIDUAL’S BEHALF AND, IF SO, THE**
15 **APPROPRIATE PROCESS FOR THE AUTHORIZATION.**

16 **(2) (I) THE COMPTROLLER SHALL ESTABLISH THE FEE REQUIRED**
17 **UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION IN AN AMOUNT THAT IS SUFFICIENT**
18 **TO PAY THE COSTS OF ADMINISTERING THE REGISTRATION PROGRAM ESTABLISHED**
19 **UNDER THIS SUBTITLE.**

20 **(II) 1. THE FEES COLLECTED UNDER THIS SUBSECTION**
21 **SHALL BE USED TO ADMINISTER THE REGISTRATION PROGRAM.**

22 **2. ANY FUNDS REMAINING AFTER THE EXPENDITURE OF**
23 **FUNDS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE**
24 **DISTRIBUTED BY THE COMPTROLLER TO THE OFFICE OF THE ATTORNEY GENERAL**
25 **TO BE USED FOR THE ENFORCEMENT OF THE MARYLAND AGE-APPROPRIATE**
26 **DESIGN CODE ACT, THE ONLINE DATA PRIVACY ACT, AND ANY STATE OR FEDERAL**
27 **LAWS INVOLVING TECHNOLOGY, ONLINE SERVICES AND PRODUCTS,**
28 **CYBERSECURITY, ARTIFICIAL INTELLIGENCE, AND DIGITAL PRIVACY.**

29 **(B) (1) IF A BUSINESS ENTITY COMPLIES WITH THE REQUIREMENTS OF**
30 **THIS SECTION, THE COMPTROLLER SHALL APPROVE THE REGISTRATION.**

31 **(2) A REGISTRATION UNDER THIS SECTION IS VALID UNTIL**
32 **DECEMBER 31 OF THE YEAR IN WHICH THE COMPTROLLER APPROVES THE**
33 **REGISTRATION.**

1 **19-1004.**

2 (A) THE COMPTROLLER SHALL MAKE THE INFORMATION THAT BUSINESS
3 ENTITIES SUBMIT FOR REGISTRATION UNDER THIS SUBTITLE PUBLICLY AVAILABLE
4 ON THE OFFICE'S WEBSITE.

5 (B) ON OR BEFORE DECEMBER 31, 2027, AND EACH DECEMBER 31
6 THEREAFTER, THE COMPTROLLER SHALL REPORT TO THE GOVERNOR AND, IN
7 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE
8 GENERAL ASSEMBLY ON THE FOLLOWING:

9 (1) HOW MANY BUSINESS ENTITIES REGISTERED WITH THE
10 COMPTROLLER AS DATA BROKERS IN THAT YEAR;

11 (2) THE FEE CHARGED FOR REGISTRATION PER DATA BROKER AND
12 THE TOTAL REVENUE COLLECTED;

13 (3) HOW MANY BUSINESS ENTITIES WERE FINED FOR
14 NONCOMPLIANCE WITH THIS SUBTITLE; AND

15 (4) ANY OTHER INFORMATION THE COMPTROLLER DETERMINES IS
16 RELEVANT.

17 **19-1005.**

18 (A) A BUSINESS ENTITY THAT FAILS TO REGISTER WITH THE OFFICE OF THE
19 ATTORNEY GENERAL IN ACCORDANCE WITH THIS SUBTITLE SHALL BE LIABLE FOR:

20 (1) A FINE OF \$200 FOR EACH DAY THE BUSINESS ENTITY FAILS TO
21 REGISTER; AND

22 (2) THE EXPENSES INCURRED BY THE OFFICE OF THE ATTORNEY
23 GENERAL IN INVESTIGATING THE DATA BROKER'S FAILURE TO REGISTER.

24 (B) FINES COLLECTED UNDER THIS SECTION SHALL BE USED FOR THE
25 ENFORCEMENT BY THE OFFICE OF THE ATTORNEY GENERAL OF THE MARYLAND
26 AGE-APPROPRIATE DESIGN CODE ACT, THE ONLINE DATA PRIVACY ACT, AND ANY
27 STATE OR FEDERAL LAWS INVOLVING TECHNOLOGY, ONLINE SERVICES AND
28 PRODUCTS, CYBERSECURITY, ARTIFICIAL INTELLIGENCE, AND DIGITAL PRIVACY.

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