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March 9, 2022

**TO:** The Honorable C.T. Wilson  
Chair, Economic Matters Committee

**FROM:** Steven M. Sakamoto-Wengel  
Consumer Protection Counsel for Regulation, Legislation and Policy  
Consumer Protection Division

**RE:** House Bill 1368– Business Regulation - Social Media Websites -  
Censored Speech- **Oppose**

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The Office of the Attorney General opposes House Bill 1368, sponsored by Delegates Cox, Boteler, McComas, Morgan, Rose, Shoemaker and Thiam, which would prohibit a social media website from disfavoring, censoring or deleting a user's political or religious speech. House Bill 1368 would make such action by a social media website an unfair, abusive or deceptive practice under the Consumer Protection Act. The bill would also authorize the Attorney General to bring an action on behalf of a user whose political or religious speech was somehow impaired by the website.

Without addressing whether social media websites are actually disfavoring, censoring or deleting speech that is political or religious, neither inclusion of HB 1368's prohibitions in the Consumer Protection Act nor representation of individuals by the Attorney General's Office is appropriate.

In enacting Maryland's Consumer Protection Act, the General Assembly found that "consumer protection is one of the major issues which confront all levels of government, and that there has been mounting concern over the increase of *deceptive practices* in connection with sales of merchandise, real property, and services and the extension of credit." Commercial Law § 13-102(a)(1) (Emphasis added). The General Assembly concluded "that it should take strong protective and preventive steps to investigate unlawful consumer practices, to assist the public in obtaining relief from those practices, and to prevent these practices from occurring in Maryland." Commercial Law § 13-102(b)(3). Accordingly, the Consumer Protection Act prohibits "unfair, abusive or deceptive trade practices as defined in

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this Title [13] or as further defined by the Division[.]” Commercial Law § 13-303. The Consumer Protection Act was intended to address unfair, abusive or deceptive practices—not to determine whether speech is “political” or “religious.” In fact, Maryland’s laws regarding Kosher and Halal food products were expressly designed so that the State would not be deciding whether food products are Kosher or Halal. Commercial Law § 14-901, *et seq.* and § 14-3601, *et seq.* Instead, those laws require merchants selling products they claim to be Kosher or Halal to disclose the basis for their claim so that the consumer can make their own determination.

Additionally, the Attorney General’s Office represents the State, not individuals, and having the Attorney General represent individual private interests rather than the public interest would not be an appropriate use of the Attorney General’s resources (not to mention that the Office would require significantly more attorneys in order to bring cases on behalf of individuals).

Accordingly, the Office of the Attorney General respectfully urges the Economic Matters Committee to give House Bill 1368 an unfavorable report.

cc: The Honorable Daniel Cox  
The Honorable Joseph Boteler  
The Honorable Susan McComas  
The Honorable Matthew Morgan  
The Honorable April Rose  
The Honorable Haven Shoemaker  
The Honorable Brenda Thiam  
Members, Economic Matters Committee