

# SENATE BILL 616

C2, P1, I3

6lr0731  
CF 6lr1663

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By: **Senators Hester, Gile, Ferguson, Love, Hettleman, Lam, and King**  
Introduced and read first time: February 5, 2026  
Assigned to: Finance

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## 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.**

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1 (2) "BIOMETRIC INFORMATION" INCLUDES:

- 2 (I) FINGERPRINTS;
- 3 (II) RETINA AND IRIS PATTERNS;
- 4 (III) VOICEPRINTS;
- 5 (IV) DNA SEQUENCE;
- 6 (V) FACIAL CHARACTERISTICS;
- 7 (VI) GAIT;
- 8 (VII) HANDWRITING;
- 9 (VIII) KEYSTROKE DYNAMICS; AND
- 10 (IX) MOUSE MOVEMENTS.

11 (3) "BIOMETRIC INFORMATION" DOES NOT INCLUDE:

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

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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

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

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

6 (2) "DATA BROKER" DOES NOT INCLUDE:

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

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

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

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

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

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

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

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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) "PUBLICLY AVAILABLE INFORMATION" HAS THE MEANING STATED IN § 14-4701 OF THE  
COMMERCIAL LAW ARTICLE.

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

(K) "SENSITIVE DATA" HAS THE MEANING STATED IN § 14-4701 OF THE COMMERCIAL  
LAW ARTICLE.

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~~ DECEMBER 31 EACH YEAR, A BUSINESS ENTITY  
12 THAT ~~ACTED~~ INTENDS TO ACT AS A DATA BROKER DURING THE ~~PREVIOUS~~ SUBSEQUENT 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~~ SENSITIVE DATA 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;~~

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1 ~~2.~~ 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 ~~3.~~ 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 ~~4.~~ 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 ~~5.~~ 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.

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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.