



**Maryland Commission
on LGBTQIA+ Affairs**

Bill Title: Criminal Law – Display of Obscene Material to Minors

Bill Number(s): HB0710

Position: UNFAVORABLE

Date: March 3, 2026

Submitted by: Jeremy Browning, Director of the Maryland Commission on LGBTQIA+ Affairs

To:

House Judiciary Committee

The Hon. J. Sandy Bartlett, Chair
The Hon. Debra Davis, Vice Chair

Testimony on behalf of the Maryland Commission on LGBTQIA+ Affairs:

The Maryland Commission on LGBTQIA+ Affairs, created by the Maryland General Assembly, works to serve LGBTQIA+ Marylanders by elevating community voices, assessing challenges, and advancing policies that promote equity and inclusion. The Commission envisions a Maryland where all LGBTQIA+ people are able to live full and authentic lives. We respectfully submit this testimony in opposition to House Bill 710.

The Commission supports protecting minors from truly obscene material. However, Maryland law already prohibits the willful display or distribution of obscene material to minors and defines obscenity using long-established constitutional standards. House Bill 710 does not meaningfully strengthen protections against obscenity, but instead expands liability in ways that may create unintended consequences in public school settings.

HB710 explicitly applies criminal penalties to public schools and school principals and extends prohibitions to materials that are displayed, borrowed, or otherwise made available on school premises.

Although the bill retains the existing obscenity definition, the introduction of potential misdemeanor charges and imprisonment for school administrators creates a strong chilling effect. Faced with the possibility of criminal liability, school leaders may feel compelled to remove or restrict materials preemptively, even when those materials have clear educational, literary, artistic, or scientific value.

In practice, disputes over curriculum and library materials often arise from differing perspectives rather than clear violations of obscenity law. Moving these disputes into the realm of criminal

enforcement risks undermining established local review processes and professional educational standards. It also risks inconsistent application across districts, particularly in communities where complaints are more likely to target books that address sexual health, gender identity, or LGBTQIA+ lived experiences.

The Commission is especially concerned about the potential impact on LGBTQIA+ students. Research consistently shows that access to inclusive, affirming materials contributes to safer school climates and improved student well-being. Limiting or chilling access to such materials can exacerbate feelings of isolation and marginalization for students who already face higher rates of bullying and mental health challenges.

Maryland has made important progress in supporting safe and affirming learning environments for all students. We should not create policies that unintentionally discourage schools from providing age-appropriate, inclusive educational materials out of fear of criminal exposure.

For these reasons, the Maryland Commission on LGBTQIA+ Affairs respectfully requests an unfavorable report on House Bill 710.