

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1079  
Economic Matters

(Delegate P. Young)

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**Consumer Protection - News Analysis Programs - Disclaimer (Truthiness Act of 2019)**

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This bill requires a radio or television station that broadcasts a “news analysis program” in the State to broadcast a “disclaimer” at the beginning of the program, which the bill defines as a statement that the contents of the program include analysis or discussion and should not be interpreted as wholly factual. A radio or television station that willfully violates the bill is guilty of a misdemeanor and, upon conviction, is subject to a fine of (1) an amount equal to 2.5% of the revenue of the radio or television station for the preceding calendar year for a first violation and (2) double the amount of the fine imposed for the previous violation for a second or subsequent violation within the same calendar year.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations.

**Local Effect:** The bill does not materially affect local finances or operations.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A “news analysis program” is a television or radio program that includes analysis or discussion of local, regional, national, or international events. Such a program includes (1) a talk show or panel show; (2) a consumer affairs program or consumer reviews program; (3) a newsmagazine; or (4) a documentary. However, a news analysis program does not include a “news program,” which is defined as a television or radio program that reports on local, regional, national, or international events.

**Current Law/Background:** State law does not address the content of news analysis programs or any disclaimers related to such programming.

The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia, and U.S. territories. The commission is an independent U.S. government agency overseen by Congress and is the primary authority for communications law, regulation, and technological innovation.

In exchange for obtaining a license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the “public interest, convenience and necessity.” Generally, this means it must air programming that is responsive to the needs and problems of its local community of license. To do this, each nonexempt station licensee must identify the needs and problems in its local area and specifically address these local matters in the news, public affairs, political, and other programming that it airs.

Each commercial station – and most noncommercial stations – must provide the public with information about how it has met its obligation in a quarterly report. The report contains a listing of the programming the station aired that the licensee believes provided significant treatment of issues facing the community. Each commercial and noncommercial station also must maintain a public inspection file on the [FCC’s website](#) that contains these reports, as well as other materials pertaining to the station’s operations and dealings with the FCC and with the community it is licensed to serve.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Federal Communications Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2019  
mm/kdm

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