

HOUSE BILL 711

C2, E4
HB 1286/22 – HGO

3lr2723

By: **Delegate Hornberger**

Introduced and read first time: February 7, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Social Networks – Public Service Announcements and 9–1–1 Trust Fund**
3 **– Requirements**

4 FOR the purpose of requiring certain social networks to dedicate a certain percentage of
5 advertisements on their platforms to certain public service announcements;
6 requiring certain social networks to pay a certain 9–1–1 social network fee; requiring
7 the Comptroller to perform certain duties relating to the collection of the 9–1–1 social
8 network fee; and generally relating to social networks and 9–1–1 emergency
9 telephone systems.

10 BY adding to
11 Article – Business Regulation
12 Section 19–107
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 1–301(a)
18 Annotated Code of Maryland
19 (2022 Replacement Volume)

20 BY adding to
21 Article – Public Safety
22 Section 1–301(w–1) and 1–313.1
23 Annotated Code of Maryland
24 (2022 Replacement Volume)

25 BY repealing and reenacting, with amendments,
26 Article – Public Safety
27 Section 1–308(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2022 Replacement Volume)

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

5 **Article – Business Regulation**

6 **19–107.**

7 (A) IN THIS SECTION, “SOCIAL NETWORK” MEANS A PUBLIC-FACING
8 WEBSITE OR DIGITAL APPLICATION THAT IS PRIMARILY ENGAGED IN THE BUSINESS
9 OF ENABLING PEER-TO-PEER COMMUNICATION BY DIRECT MESSAGING BETWEEN
10 TWO VISITORS OR USERS.

11 (B) IF A SOCIAL NETWORK HAS 500,000 OR MORE UNIQUE MONTHLY STATE
12 VISITORS OR USERS FOR A MAJORITY OF MONTHS DURING THE IMMEDIATELY
13 PRECEDING 12 MONTHS, THE SOCIAL NETWORK SHALL DEDICATE AT LEAST 2% OF
14 ALL ADVERTISEMENTS ON ITS PLATFORM TO PUBLIC SERVICE ANNOUNCEMENTS
15 WITH CONTENT RELEVANT TO RESIDENTS OF THE STATE.

16 (C) FOR PURPOSES OF DETERMINING UNIQUE MONTHLY STATE VISITORS
17 UNDER THIS SECTION, A VISITOR OR USER WHO ACCESSES MORE THAN ONE WEBSITE
18 OR DIGITAL APPLICATION WITH A SINGLE ACCOUNT SHALL BE CONSIDERED ONE
19 UNIQUE VISITOR WITH RESPECT TO THE GROUP OF WEBSITES OR DIGITAL
20 APPLICATIONS IF EACH OF THE WEBSITES OR DIGITAL APPLICATIONS:

21 (1) IS OWNED BY THE SAME ENTITY; AND

22 (2) SHARES THE SAME ACCOUNT INFORMATION OF THE VISITOR OR
23 USER BETWEEN THE GROUP OF WEBSITES OR DIGITAL APPLICATIONS.

24 **Article – Public Safety**

25 **1–301.**

26 (a) In this subtitle the following words have the meanings indicated.

27 (W-1) “SOCIAL NETWORK” MEANS A PUBLIC-FACING WEBSITE OR DIGITAL
28 APPLICATION THAT IS PRIMARILY ENGAGED IN THE BUSINESS OF ENABLING
29 PEER-TO-PEER COMMUNICATION BY DIRECT MESSAGING BETWEEN TWO VISITORS
30 OR USERS.

31 **1–308.**

1 (c) The 9-1-1 Trust Fund consists of:

2 (1) money from the 9-1-1 fee collected and remitted to the Comptroller
3 under § 1-310 of this subtitle;

4 (2) money from the additional charge collected and remitted to the
5 Comptroller under § 1-311 of this subtitle;

6 (3) money from the prepaid wireless E 9-1-1 fee collected and remitted to
7 the Comptroller under § 1-313 of this subtitle; [and]

8 (4) **MONEY FROM THE 9-1-1 FEE COLLECTED BY THE COMPTROLLER**
9 **UNDER § 1-313.1 OF THIS SUBTITLE; AND**

10 (5) investment earnings of the 9-1-1 Trust Fund.

11 **1-313.1.**

12 (A) **IF A SOCIAL NETWORK HAS 500,000 OR MORE UNIQUE MONTHLY STATE**
13 **VISITORS OR USERS FOR A MAJORITY OF MONTHS DURING THE IMMEDIATELY**
14 **PRECEDING 12 MONTHS, THE SOCIAL NETWORK SHALL PAY A 9-1-1 SOCIAL**
15 **NETWORK FEE.**

16 (B) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE AMOUNT**
17 **OF THE 9-1-1 FEE UNDER THIS SECTION SHALL BE \$1.25 FOR EACH UNIQUE**
18 **MONTHLY STATE VISITOR OR USER, PAYABLE ON THE LAST DAY OF EACH MONTH.**

19 (2) **THE FEE DUE SHALL BE BASED ON THE TOTAL NUMBER OF**
20 **UNIQUE MONTHLY STATE VISITORS FOR THE PRIOR MONTH.**

21 (C) **FOR PURPOSES OF DETERMINING UNIQUE MONTHLY STATE VISITORS**
22 **UNDER THIS SECTION, A VISITOR OR USER WHO ACCESSES MORE THAN ONE WEBSITE**
23 **OR DIGITAL APPLICATION WITH A SINGLE ACCOUNT SHALL BE CONSIDERED ONE**
24 **UNIQUE VISITOR WITH RESPECT TO THE GROUP OF WEBSITES OR DIGITAL**
25 **APPLICATIONS IF EACH OF THE WEBSITES OR DIGITAL APPLICATIONS:**

26 (1) **IS OWNED BY THE SAME ENTITY; AND**

27 (2) **SHARES THE SAME ACCOUNT INFORMATION OF THE VISITOR OR**
28 **USER BETWEEN THE GROUP OF WEBSITES OR DIGITAL APPLICATIONS.**

29 (D) **THE COMPTROLLER:**

30 (1) **SHALL ACT AS A COLLECTION AGENT FOR THE 9-1-1 SOCIAL**

1 NETWORK FEE UNDER THIS SECTION;

2 (2) SHALL DEPOSIT THE MONEY COLLECTED IN THE 9-1-1 TRUST
3 FUND;

4 (3) SHALL KEEP RECORDS OF 9-1-1 SOCIAL NETWORK FEES
5 COLLECTED AND DEPOSITED FOR AT LEAST 4 YEARS AFTER THE FEE IS COLLECTED;

6 (4) MAY RETAIN AN AMOUNT EQUAL TO 0.50% OF THE 9-1-1 SOCIAL
7 NETWORK FEE TO COVER THE EXPENSES OF BILLING, COLLECTING, AND KEEPING
8 RECORDS;

9 (5) SHALL DEVELOP AND DISTRIBUTE INFORMATIONAL MATERIALS
10 TO SOCIAL NETWORKS REGARDING PROPER PAYMENT OF THE FEE REQUIRED
11 UNDER THIS SECTION; AND

12 (6) SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2023.