

# HOUSE BILL 772

I3, P2, C8

4lr2284  
CF 4lr2285

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By: **Delegate Henson**

Introduced and read first time: January 31, 2024

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Internet-Connected Devices and Internet Service Providers – Default Filtering**  
3 **of Obscene Content**  
4 **(Maryland Online Child Protection Act)**

5 FOR the purpose of prohibiting a person from selling an Internet-connected device that is  
6 intended for minors unless the device is sold with a certain filter, certain privacy  
7 settings, and other features; making a violation of the prohibition an unfair, abusive,  
8 or deceptive trade practice that is subject to the enforcement and penalties under the  
9 Maryland Consumer Protection Act; requiring that preference be given to certain  
10 grant applications that include the use of broadband providers that implement the  
11 use of certain filters; requiring that preference be granted in the State procurement  
12 process to Internet service providers that implement the use of certain filters; and  
13 generally relating to Internet content filtering in the State.

14 BY repealing and reenacting, with amendments,  
15 Article – Commercial Law  
16 Section 13–301(14)(xl)  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Commercial Law  
21 Section 13–301(14)(xli)  
22 Annotated Code of Maryland  
23 (2013 Replacement Volume and 2023 Supplement)

24 BY adding to  
25 Article – Commercial Law  
26 Section 13–301(14)(xlii); and 14–4601 through 14–4604 to be under the new subtitle  
27 “Subtitle 46. Default Filters for Internet-Connected Devices for Children”  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2013 Replacement Volume and 2023 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Housing and Community Development  
4 Section 6.5–106 and 6.5–107  
5 Annotated Code of Maryland  
6 (2019 Replacement Volume and 2023 Supplement)

7 BY adding to  
8 Article – State Finance and Procurement  
9 Section 14–419  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2023 Supplement)

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

14 **Article – Commercial Law**

15 13–301.

16 Unfair, abusive, or deceptive trade practices include any:

17 (14) Violation of a provision of:

18 (xl) Title 14, Subtitle 13 of the Public Safety Article; [or]

19 (xli) Title 14, Subtitle 45 of this article; or

20 **(XLII) TITLE 14, SUBTITLE 46 OF THIS ARTICLE; OR**

21 **SUBTITLE 46. DEFAULT FILTERS FOR INTERNET–CONNECTED DEVICES FOR**  
22 **CHILDREN.**

23 **14–4601.**

24 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
25 **INDICATED.**

26 **(B) (1) “DEVICE INTENDED FOR MINORS” MEANS A DEVICE THAT IS**  
27 **MARKETED TOWARD OR PRIMARILY SOLD FOR THE USE OF INDIVIDUALS UNDER THE**  
28 **AGE OF 18 YEARS.**

29 **(2) “DEVICE INTENDED FOR MINORS” INCLUDES:**

30 **(I) AN INTERNET–CONNECTED GAMING DEVICE; AND**

1 (II) A DEVICE THAT SPECIFICALLY ADVERTISES CHILD SAFETY  
2 FEATURES.

3 (C) "FILTER" MEANS SOFTWARE INSTALLED ON A DEVICE THAT IS CAPABLE  
4 OF PREVENTING THE DEVICE FROM ACCESSING OR DISPLAYING MATERIAL THAT IS  
5 HARMFUL TO MINORS THROUGH THE INTERNET OR ANY APPLICATIONS OWNED AND  
6 CONTROLLED BY THE MANUFACTURER AND INSTALLED ON THE DEVICE.

7 (D) "HARMFUL TO MINORS" MEANS THAT QUALITY OF ANY DESCRIPTION OR  
8 REPRESENTATION OF NUDITY, SEXUAL CONDUCT, SEXUAL EXCITEMENT, OR  
9 SADOMASOCHISTIC ABUSE WHEN IT:

10 (1) TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST IN SEX  
11 OF MINORS;

12 (2) IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE  
13 ADULT COMMUNITY AS A WHOLE WITH RESPECT TO WHAT IS SUITABLE MATERIAL  
14 FOR MINORS; AND

15 (3) TAKEN AS A WHOLE, LACKS SERIOUS ARTISTIC, EDUCATIONAL,  
16 LITERARY, POLITICAL, OR SCIENTIFIC VALUE FOR MINORS.

17 (E) "INTERNET-CONNECTED DEVICE" MEANS A PHYSICAL OBJECT THAT:

18 (1) IS CAPABLE OF CONNECTING TO AND IS IN REGULAR CONNECTION  
19 WITH THE INTERNET; AND

20 (2) HAS COMPUTER PROCESSING CAPABILITIES THAT CAN COLLECT,  
21 SEND, OR RECEIVE DATA.

22 (F) (1) "PERSONAL DATA" MEANS DATA THAT IS ASSOCIATED WITH A  
23 SPECIFIC INDIVIDUAL.

24 (2) "PERSONAL DATA" INCLUDES:

25 (I) RECORDS OF DATA USAGE OR ONLINE ACTIVITY;

26 (II) BROWSING HISTORY; AND

27 (III) OTHER RECORDS THAT TRACK THE ACTIVITY OF A SPECIFIC  
28 INDIVIDUAL.

1           **(G) “QUALIFYING AGE VERIFICATION PROCEDURE” MEANS AGE**  
2 **VERIFICATION THAT IS ACCOMPLISHED THROUGH THE USE OF A REPUTABLE**  
3 **INDEPENDENT THIRD PARTY THAT IS IN THE BUSINESS OF VERIFYING AN**  
4 **INDIVIDUAL’S PERSONALLY IDENTIFIABLE INFORMATION.**

5 **14-4602.**

6           **EXCEPT AS PROVIDED IN § 14-4603 OF THIS SUBTITLE, A PERSON MAY NOT**  
7 **SELL AN INTERNET-CONNECTED DEVICE INTENDED FOR MINORS IN THE STATE.**

8 **14-4603.**

9           **(A) A PERSON MAY SELL AN INTERNET-CONNECTED DEVICE INTENDED FOR**  
10 **MINORS IF:**

11                   **(1) THE INTERNET-CONNECTED DEVICE IS SOLD WITH:**

12                           **(I) AN ACTIVATED FILTER THAT BLOCKS CONTENT THAT IS**  
13 **HARMFUL TO MINORS; AND**

14                           **(II) ACTIVATED, CONFIGURABLE PRIVACY SETTINGS THAT ARE**  
15 **THE MOST PROTECTIVE AVAILABLE AGAINST THE COLLECTION OF A USER’S**  
16 **INFORMATION; AND**

17                   **(2) THE INTERNET-CONNECTED DEVICE DOES NOT:**

18                           **(I) DISPLAY ADVERTISEMENTS TARGETED AT MINORS BASED**  
19 **ON CONCLUSIONS DRAWN FROM PERSONAL DATA; OR**

20                           **(II) COLLECT, USE, OR SHARE THE USER’S PERSONAL DATA**  
21 **BEYOND WHAT IS NECESSARY TO PROVIDE THE CORE FUNCTIONS OF THE DEVICE.**

22           **(B) A FILTER REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:**

23                   **(1) MAY BE DISABLED ONLY BY AN INDIVIDUAL:**

24                           **(I) WHO IS AT LEAST 18 YEARS OLD; AND**

25                           **(II) WHOSE AGE IS VERIFIED THROUGH A QUALIFYING AGE**  
26 **VERIFICATION PROCEDURE; AND**

1           **(2) SHALL BE PROVIDED ACCOMPANIED BY CLEAR INSTRUCTIONS**  
2 **REGARDING HOW AN INDIVIDUAL UNDER ITEM (1) OF THIS SUBSECTION MAY**  
3 **DISABLE THE FILTER.**

4           **(C) THE CONFIGURABLE PRIVACY SETTINGS REQUIRED UNDER**  
5 **SUBSECTION (A)(1)(II) OF THIS SECTION MAY BE CONFIGURED ONLY BY AN**  
6 **INDIVIDUAL:**

7           **(1) WHO IS AT LEAST 18 YEARS OLD; AND**

8           **(2) WHOSE AGE IS VERIFIED THROUGH A QUALIFYING AGE**  
9 **VERIFICATION PROCEDURE.**

10 **14-4604.**

11           **A VIOLATION OF THIS SUBTITLE IS:**

12           **(1) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE UNDER**  
13 **TITLE 13 OF THIS ARTICLE; AND**

14           **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
15 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

16           **Article – Housing and Community Development**

17 **6.5-106.**

18           **(a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20           **(2) “FILTER” MEANS SOFTWARE THAT:**

21           **(I) IS CAPABLE OF PREVENTING ACCESS TO OR THE DISPLAY OF**  
22 **OBSCENE MATERIAL ON ANY COMPUTER OR DEVICE CONNECTED TO THE INTERNET;**  
23 **AND**

24           **(II) MAY BE DISABLED BY THE END USER.**

25           **(3) “Fund” means the Digital Connectivity Fund.**

26           **(4) “OBSCENE” MEANS:**

1                   **(I) THAT THE AVERAGE ADULT APPLYING CONTEMPORARY**  
2 **COMMUNITY STANDARDS WOULD FIND THAT THE WORK, TAKEN AS A WHOLE,**  
3 **APPEALS TO THE PRURIENT INTEREST;**

4                   **(II) THAT THE WORK DEPICTS SEXUAL CONDUCT IN A WAY THAT**  
5 **IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY AS**  
6 **A WHOLE WITH RESPECT TO WHAT IS SUITABLE MATERIAL; AND**

7                   **(III) THAT THE WORK, TAKEN AS A WHOLE, LACKS SERIOUS**  
8 **ARTISTIC, EDUCATIONAL, LITERARY, POLITICAL, OR SCIENTIFIC VALUE.**

9           (b)     There is a Digital Connectivity Fund.

10           (c)     The purpose of the Fund is to assist in the establishment and expansion of  
11 affordable broadband communication services in disconnected areas and communities in  
12 the State.

13           (d)     (1)    The Office shall administer the Fund.

14                   (2)    The Office shall adopt application procedures for grants distributed  
15 from the Fund.

16                   (3)    The Office shall work with other offices within the Department and the  
17 Department of Commerce to adopt regulations specifying:

18                           (i)    procedures for applying for financial assistance; and

19                           (ii)   priorities for allocating, selecting, and distributing financial  
20 assistance from the Fund.

21           (e)     (1)    The Fund is a continuing, nonlapsing special fund that is not subject to  
22 § 7–302 of the State Finance and Procurement Article.

23                   (2)    The State Treasurer shall hold the Fund separately, and the  
24 Comptroller shall account for the Fund.

25           (f)     The Fund consists of:

26                   (1)    money appropriated by the State to the Fund;

27                   (2)    financial assistance provided to the State by the federal government for  
28 the Fund;

29                   (3)    interest earnings; and

1 (4) any other money from any other source accepted for the benefit of the  
2 Fund.

3 (g) The Fund may be used only to distribute competitive grants:

4 (1) for planning, construction, and maintenance of broadband  
5 communication services, equipment, and activities; and

6 (2) to provide financial assistance to local governments to expand  
7 high-speed Internet access in disconnected communities in the State.

8 (h) **IN DISTRIBUTING GRANTS UNDER THIS SECTION, THE OFFICE SHALL**  
9 **GIVE PREFERENCE TO APPLICATIONS FOR GRANTS THAT INCLUDE THE USE OF**  
10 **BROADBAND PROVIDERS THAT IMPLEMENT THE USE OF FILTERS BY DEFAULT.**

11 (I) (1) The State Treasurer shall invest the money of the Fund in the same  
12 manner as other State money may be invested.

13 (2) Any interest earnings of the Fund shall be credited to the Fund.

14 [(i)] (J) Expenditures from the Fund may be made only in accordance with the  
15 State budget.

16 6.5-107.

17 (a) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
18 **INDICATED.**

19 (2) **“FILTER” MEANS SOFTWARE THAT:**

20 (I) **IS CAPABLE OF PREVENTING ACCESS TO OR THE DISPLAY OF**  
21 **OBSCENE MATERIAL ON ANY COMPUTER OR DEVICE CONNECTED TO THE INTERNET;**  
22 **AND**

23 (II) **MAY BE DISABLED BY THE END USER.**

24 (3) **“FUND” MEANS THE RURAL BROADBAND ASSISTANCE FUND.**

25 (4) **“OBSCENE” MEANS:**

26 (I) **THAT THE AVERAGE ADULT APPLYING CONTEMPORARY**  
27 **COMMUNITY STANDARDS WOULD FIND THAT THE WORK, TAKEN AS A WHOLE,**  
28 **APPEALS TO THE PRURIENT INTEREST;**

1                   **(II) THAT THE WORK DEPICTS SEXUAL CONDUCT IN A WAY THAT**  
2 **IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY AS**  
3 **A WHOLE WITH RESPECT TO WHAT IS SUITABLE MATERIAL; AND**

4                   **(III) THAT THE WORK, TAKEN AS A WHOLE, LACKS SERIOUS**  
5 **ARTISTIC, EDUCATIONAL, LITERARY, POLITICAL, OR SCIENTIFIC VALUE.**

6           **(B)** There is a Rural Broadband Assistance Fund in the Department.

7           **[(b)] (C)** The purpose of the Fund is to assist in the establishment of broadband  
8 communication services in rural and underserved areas of the State.

9           **[(c)] (D)** The Office shall administer the Fund.

10           **[(d)] (E)** (1) The Fund is a special, nonlapsing fund that is not subject to §  
11 7–302 of the State Finance and Procurement Article.

12                   (2) The Treasurer shall hold the Fund separately, and the Comptroller  
13 shall account for the Fund.

14           **[(e)] (F)** The Fund consists of:

15                   (1) money appropriated in the State budget to the Fund;

16                   (2) money appropriated in the State budget to the Maryland Economic  
17 Development Assistance Fund under Title 5, Subtitle 3 of the Economic Development  
18 Article for the purpose of assisting in the establishment of broadband communication  
19 services in rural and underserved areas of the State;

20                   (3) federal money allocated or granted to the Fund;

21                   (4) interest earnings; and

22                   (5) any other money from any source accepted for the benefit of the Fund.

23           **[(f)] (G)** The Fund may be used only for planning, construction, and  
24 maintenance of broadband communication services and equipment in rural and  
25 underserved areas and related activities.

26           **(H) IN DISTRIBUTING GRANTS UNDER THIS SECTION, THE OFFICE SHALL**  
27 **GIVE PREFERENCE TO APPLICATIONS FOR GRANTS THAT INCLUDE THE USE OF**  
28 **BROADBAND PROVIDERS THAT IMPLEMENT THE USE OF FILTERS BY DEFAULT.**

29           **[(g)] (I)** (1) The Treasurer shall invest the money in the Fund in the same  
30 manner as other State money may be invested.



1           (2) Any interest earnings of the Fund shall be credited to the Fund.

2           **[(h)] (J)** The Office shall make payments from the Fund within 30 days after  
3 notice of a decision of the Maryland Rural Broadband Coordination Board under §  
4 13-504(3) of the Economic Development Article.

5                           **Article – State Finance and Procurement**

6 **14-419.**

7           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
8 **INDICATED.**

9                   **(2) “FILTER” MEANS SOFTWARE THAT:**

10                           **(I) IS CAPABLE OF PREVENTING ACCESS TO OR THE DISPLAY OF**  
11 **OBSCENE MATERIAL ON ANY COMPUTER OR DEVICE CONNECTED TO THE INTERNET;**  
12 **AND**

13                           **(II) MAY BE DISABLED BY THE END USER.**

14                           **(3) “INTERNET SERVICE PROVIDER” MEANS A PERSON THAT**  
15 **PROVIDES SERVICES FOR ACCESSING, USING, OR PARTICIPATING IN THE INTERNET.**

16                   **(4) “OBSCENE” MEANS:**

17                           **(I) THAT THE AVERAGE ADULT APPLYING CONTEMPORARY**  
18 **COMMUNITY STANDARDS WOULD FIND THAT THE WORK, TAKEN AS A WHOLE,**  
19 **APPEALS TO THE PRURIENT INTEREST;**

20                           **(II) THAT THE WORK DEPICTS SEXUAL CONDUCT IN A WAY THAT**  
21 **IS PATENTLY OFFENSIVE TO PREVAILING STANDARDS IN THE ADULT COMMUNITY AS**  
22 **A WHOLE WITH RESPECT TO WHAT IS SUITABLE MATERIAL; AND**

23                           **(III) THAT THE WORK, TAKEN AS A WHOLE, LACKS SERIOUS**  
24 **ARTISTIC, EDUCATIONAL, LITERARY, POLITICAL, OR SCIENTIFIC VALUE.**

25                   **(5) “PREFERENCE” MEANS:**

26                           **(I) A PERCENTAGE PRICE PREFERENCE; OR**

27                           **(II) ANY OTHER PROVISION THAT FAVORS INTERNET SERVICE**  
28 **PROVIDERS THAT IMPLEMENT THE USE OF FILTERS BY DEFAULT.**

1           **(B) BEGINNING OCTOBER 1, 2026, ALL STATE AGENCIES SHALL GIVE**  
2 **PREFERENCE TO INTERNET SERVICE PROVIDERS THAT IMPLEMENT THE USE OF**  
3 **FILTERS BY DEFAULT.**

4           **(C) THE BOARD SHALL ADOPT REGULATIONS THAT REQUIRE STATE**  
5 **SCHOOLS AND FACILITIES TO ESTABLISH A PERCENTAGE PRICE PREFERENCE FOR**  
6 **INTERNET SERVICE PROVIDERS THAT IMPLEMENT THE USE OF FILTERS BY**  
7 **DEFAULT.**

8           **(D) THIS SECTION DOES NOT APPLY TO A CONTRACT OR PROCUREMENT**  
9 **AGREEMENT IN EFFECT ON OCTOBER 1, 2024.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2024.