

HOUSE BILL 1638

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By: **Delegate McComas**

Introduced and read first time: February 25, 2026

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Covered Platforms – Protection of Minors**
3 **(Kids Online Protection and Antigrooming Act)**

4 FOR the purpose of requiring a certain owner or operator of a certain covered platform to
5 take reasonable measures to prioritize account privacy and establish certain default
6 settings; requiring a covered provider to allow the parent or legal guardian of a minor
7 to take certain actions regarding the minor’s account on the covered platform;
8 authorizing the Attorney General to enforce the provisions of this Act and requiring
9 the Attorney General to provide certain notice before bringing an enforcement action;
10 authorizing a covered platform’s owner or operator to cure a violation of this Act; and
11 generally relating to the protection of minors on the Internet.

12 BY adding to

13 Article – Commercial Law

14 Section 14–5101 through 14–5106 to be under the new subtitle “Subtitle 51. Kids
15 Online Protection and Antigrooming Act”

16 Annotated Code of Maryland

17 (2025 Replacement Volume)

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

20 **Article – Commercial Law**

21 **SUBTITLE 51. KIDS ONLINE PROTECTION AND ANTIGROOMING ACT.**

22 **14–5101.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “CONNECT” MEANS THE ASSOCIATION, LINKING, OR INTERACTION OF**
2 **ACCOUNTS ON A COVERED PLATFORM, INCLUDING BY SUBSCRIBING OR FRIENDING.**

3 **(C) (1) “COVERED PLATFORM” MEANS AN ONLINE PLATFORM, ONLINE**
4 **VIDEO GAME, MESSAGING APPLICATION, OR VIDEO STREAMING SERVICE THAT**
5 **ACCESSES THE INTERNET.**

6 **(2) “COVERED PLATFORM” DOES NOT INCLUDE:**

7 **(I) AN ENTITY ACTING IN THE ENTITY’S CAPACITY AS:**

8 **1. A COMMON CARRIER SERVICE PROVIDER, SUBJECT**
9 **TO THE FEDERAL COMMUNICATIONS ACT OF 1934;**

10 **2. AN E-MAIL SERVICE PROVIDER;**

11 **3. A TELECONFERENCING OR VIDEO CONFERENCING**
12 **SERVICE THAT ALLOWS FOR THE RECEPTION AND TRANSMISSION OF REAL-TIME**
13 **COMMUNICATION BY AUDIO OR VIDEO SIGNALS, IF:**

14 **A. THE SERVICE IS NOT AN ONLINE PLATFORM; AND**

15 **B. THE REAL-TIME COMMUNICATION IS INITIATED BY A**
16 **UNIQUE LINK OR IDENTIFIER THAT FACILITATES ACCESS; AND**

17 **4. A WIRELESS MESSAGING SERVICE WHERE A MESSAGE**
18 **IS TRANSMITTED FROM A SENDER TO A RECIPIENT, INCLUDING A SHORT MESSAGING**
19 **SERVICE OR MULTIMEDIA MESSAGING SERVICE THAT:**

20 **A. IS NOT A COMPONENT OF OR LINKED TO AN ONLINE**
21 **PLATFORM; AND**

22 **B. EXCLUSIVELY DIRECTLY TRANSMITS TEXT**
23 **MESSAGES, PHOTOS, OR VIDEO BY ELECTRONIC MEANS;**

24 **(II) AN ENTITY PROVIDING BROADBAND INTERNET ACCESS**
25 **SERVICE, AS DEFINED IN 47 C.F.R. 54.400; OR**

26 **(III) A PLATFORM THAT PRIMARILY PROVIDES CAREER**
27 **NETWORKING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES.**

1 (D) (1) “MICROTRANSACTION” MEANS THE PURCHASE OR TRANSFER OF
2 VIRTUAL CURRENCY ON A COVERED PLATFORM.

3 (2) “MICROTRANSACTION” INCLUDES A PURCHASE MADE:

4 (I) IN AN ONLINE VIDEO GAME THAT INVOLVES SURPRISE
5 MECHANICS, NEW CHARACTERS, OR OTHER IN-GAME ITEMS; AND

6 (II) USING VIRTUAL CURRENCY THAT IS ABLE TO BE
7 PURCHASED OR REDEEMED USING CASH OR CREDIT AND IS INCLUDED AS A PART OF
8 A PAID SUBSCRIPTION SERVICE.

9 (3) “MICROTRANSACTION” DOES NOT INCLUDE A PURCHASE MADE IN
10 AN ONLINE VIDEO GAME USING A VIRTUAL CURRENCY THAT IS:

11 (I) EARNED THROUGH GAME PLAY; AND

12 (II) NOT OTHERWISE PURCHASABLE OR REDEEMABLE USING
13 CASH OR CREDIT OR INCLUDED AS PART OF A PAID SUBSCRIPTION SERVICE.

14 (E) “MINOR” MEANS AN INDIVIDUAL WHO:

15 (1) RESIDES IN THE STATE;

16 (2) IS UNDER THE AGE OF 17 YEARS; AND

17 (3) IS NOT EMANCIPATED OR MARRIED.

18 (F) (1) “ONLINE PLATFORM” MEANS A PUBLIC WEBSITE, AN ONLINE
19 SERVICE, AN ONLINE APPLICATION, OR A MOBILE APPLICATION THAT PRIMARILY
20 PROVIDES A COMMUNITY FORUM FROM USER-GENERATED CONTENT.

21 (2) “ONLINE PLATFORM” INCLUDES:

22 (I) A SOCIAL MEDIA SERVICE;

23 (II) A SOCIAL NETWORK; AND

24 (III) A VIRTUAL REALITY ENVIRONMENT.

25 (3) “ONLINE PLATFORM” DOES NOT INCLUDE A WEBSITE, AN ONLINE
26 SERVICE, AN ONLINE APPLICATION, OR A MOBILE APPLICATION THAT INCLUDES
27 CHAT, COMMENT, OR OTHER INTERACTIVE FUNCTIONS THAT ARE INCIDENTAL TO

1 THE PREDOMINANT PURPOSE OF THE WEBSITE, ONLINE SERVICE, ONLINE
2 APPLICATION, OR MOBILE APPLICATION.

3 (G) "ONLINE VIDEO GAME" MEANS A VIDEO GAME THAT ACCESSES THE
4 INTERNET AND ALLOWS THE USER TO:

5 (1) CREATE AND UPLOAD CONTENT THAT IS NOT INCIDENTAL TO
6 GAME PLAY;

7 (2) ENGAGE IN MICROTRANSACTIONS; AND

8 (3) COMMUNICATE WITH OTHER USERS.

9 (H) (1) "PRECISE GEOLOCATION" MEANS GEOGRAPHIC INFORMATION
10 OBTAINED FROM TECHNOLOGY, INCLUDING GLOBAL POSITIONING SYSTEM LEVEL
11 LATITUDE AND LONGITUDE COORDINATES, THAT IDENTIFIES THE LOCATION OF AN
12 INDIVIDUAL WITHIN 1,750 FEET OF THE INDIVIDUAL, WITH PRECISION AND
13 ACCURACY.

14 (2) "PRECISE GEOLOCATION" DOES NOT INCLUDE THE CONTENT OF
15 COMMUNICATIONS BETWEEN ACCOUNTS.

16 (I) "SEXUALLY EXPLICIT MATERIAL" MEANS ANY MATERIAL THAT DEPICTS:

17 (1) SEXUAL INTERCOURSE;

18 (2) BESTIALITY;

19 (3) MASTURBATION;

20 (4) SADISTIC OR MASOCHISTIC ABUSE; OR

21 (5) THE EXHIBITION OF A PERSON'S GENITALS OR PUBIC AREA.

22 14-5102.

23 (A) THIS SUBTITLE APPLIES ONLY IF:

24 (1) A MINOR USES A COVERED PLATFORM; AND

25 (2) THE COVERED PLATFORM REASONABLY BELIEVES OR HAS
26 ACTUAL KNOWLEDGE THAT THE ACCOUNT HOLDER IS A MINOR.

1 **(B) THIS SUBTITLE DOES NOT APPLY TO:**

2 **(1) A NONPROFIT ORGANIZATION;**

3 **(2) A SCHOOL, INCLUDING A CHILD CARE CENTER, A PUBLIC OR**
4 **PRIVATE PRIMARY OR SECONDARY SCHOOL, AN INSTITUTION OF HIGHER**
5 **EDUCATION, OR AN INSTITUTION OF POSTSECONDARY EDUCATION;**

6 **(3) A PUBLIC LIBRARY;**

7 **(4) A NEWS WEBSITE OR APPLICATION THAT INCLUDES VIDEOS,**
8 **IMAGES, OR OTHER VIDEO CONTENT ON THE NEWS WEBSITE OR APPLICATION THAT**
9 **IS RELATED PRIMARILY TO THE NEWS WEBSITE'S OR APPLICATION'S GATHERING,**
10 **REPORTING, OR PUBLISHING OF NEWS CONTENT, IF THE NEWS WEBSITE OR**
11 **APPLICATION IS NOT OTHERWISE AN ONLINE PLATFORM;**

12 **(5) A SPORTS WEBSITE OR APPLICATION THAT INCLUDES VIDEOS,**
13 **IMAGES, OR OTHER VIDEO CONTENT ON THE SPORTS WEBSITE OR APPLICATION**
14 **THAT IS RELATED PRIMARILY TO THE SPORTS WEBSITE'S OR APPLICATION'S**
15 **GATHERING, REPORTING, OR PUBLISHING OF SPORTS CONTENT, IF THE SPORTS**
16 **WEBSITE OR APPLICATION IS NOT OTHERWISE AN ONLINE PLATFORM;**

17 **(6) A PRODUCT OR SERVICE THAT FUNCTIONS PRIMARILY AS**
18 **BUSINESS-TO-BUSINESS SOFTWARE, INCLUDING CLOUD STORAGE, FILE SHARING,**
19 **OR A FILE COLLABORATION SERVICE;**

20 **(7) A VIRTUAL PRIVATE NETWORK OR SIMILAR SERVICE THAT EXISTS**
21 **PRIMARILY TO ROUTE INTERNET TRAFFIC BETWEEN LOCATIONS;**

22 **(8) A FEDERAL, STATE, OR LOCAL GOVERNMENT INTERNET DOMAIN;**
23 **OR**

24 **(9) A VIDEO STREAMING SERVICE THAT CONSISTS PRIMARILY OF**
25 **ENTERTAINMENT OR OTHER CONTENT THAT:**

26 **(i) IS NOT USER-GENERATED OR USER-UPLOADED;**

27 **(ii) IS PRESELECTED BY THE VIDEO STREAMING SERVICE**
28 **PROVIDER; AND**

29 **(iii) REQUIRES USERS TO REGISTER WITH A METHOD OF**
30 **PAYMENT OR DOES NOT PERMIT USERS TO INTERACT SOCIALLY WITH OTHER USERS.**

1 **14-5103.**

2 **(A) A PERSON WHO OWNS OR OPERATES A COVERED PLATFORM USED BY A**
3 **MINOR SHALL:**

4 **(1) TAKE REASONABLE MEASURES IN OPERATING THE COVERED**
5 **PLATFORM TO PRIORITIZE ACCOUNT PRIVACY; AND**

6 **(2) ESTABLISH DEFAULT SAFETY SETTINGS THAT:**

7 **(i) PROHIBIT AN ADULT FROM CONNECTING WITH A MINOR**
8 **WITHOUT THE EXPRESS CONSENT OF THE PARENT OR LEGAL GUARDIAN OF THE**
9 **MINOR;**

10 **(ii) PROHIBIT AN ADULT NOT CONNECTED TO THE MINOR FROM**
11 **MESSAGING THE MINOR ON THE COVERED PLATFORM;**

12 **(iii) PROHIBIT THE DISCLOSURE OR SHARING OF THE PRECISE**
13 **GEOLOCATION OF A MINOR WITHOUT THE EXPRESS PERMISSION OF THE PARENT OR**
14 **LEGAL GUARDIAN OF THE MINOR TO ANY INDIVIDUAL WHO IS NOT:**

15 **1. THE PARENT OR LEGAL GUARDIAN OF THE MINOR; OR**

16 **2. A REPRESENTATIVE OF A LAW ENFORCEMENT**
17 **AGENCY AUTHORIZED UNDER LAW TO RECEIVE THE PRECISE GEOLOCATION OF A**
18 **MINOR;**

19 **(iv) RESTRICT THE ACCOUNT VISIBILITY OF A MINOR,**
20 **INCLUDING CONNECTED ACCOUNTS, TO ONLY ACCOUNTS CONNECTED TO THE**
21 **MINOR; AND**

22 **(v) ALLOW THE PARENT OR LEGAL GUARDIAN OF A MINOR TO**
23 **DECIDE TO BE INFORMED WITHIN A REASONABLE TIME, BY THE COVERED**
24 **PLATFORM'S PARENTAL CONTROL INTERFACE OR BY TEXT, VOICE MESSAGE, OR**
25 **E-MAIL TO THE PARENT'S OR LEGAL GUARDIAN'S ACCOUNT, IF:**

26 **1. THE MINOR IS EXPOSED TO SEXUALLY EXPLICIT**
27 **MATERIAL ON THE COVERED PLATFORM; OR**

28 **2. THE MINOR CONNECTS TO ANOTHER USER ON THE**
29 **COVERED PLATFORM.**

1 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
2 **SUBSECTION, A COVERED PLATFORM USED BY A MINOR SHALL ALLOW THE PARENT**
3 **OR LEGAL GUARDIAN OF THE MINOR TO:**

4 **(I) USE TOOLS OR FEATURES TO MANAGE ACCOUNT SETTINGS;**

5 **(II) VIEW CONNECTIONS AND BLOCKED ACCOUNTS;**

6 **(III) APPROVE OR BLOCK ACCOUNTS ATTEMPTING TO CONNECT**
7 **WITH THE MINOR;**

8 **(IV) PROHIBIT OR LIMIT THE ABILITY OF THE MINOR TO ENGAGE**
9 **IN MICROTRANSACTIONS; AND**

10 **(V) BLOCK THE ABILITY OF THE MINOR TO RECEIVE OR SHARE**
11 **SEXUALLY EXPLICIT MATERIAL THROUGH MESSAGES.**

12 **(2) THE PARENT OR LEGAL GUARDIAN OF A MINOR MAY OPT OUT OF**
13 **PROTECTIONS UNDER THIS SUBTITLE IF THE PARENT OR LEGAL GUARDIAN**
14 **PROVIDES EXPRESS CONSENT TO THE COVERED PLATFORM.**

15 **(3) THE ITEMS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**
16 **MAY BE MODIFIED ONLY BY A PARENT OR LEGAL GUARDIAN WHOSE ACCOUNT IS**
17 **LINKED TO THE MINOR'S ACCOUNT THROUGH THE PARENTAL SUPERVISION TOOLS**
18 **OF THE COVERED PLATFORM.**

19 **14-5104.**

20 **THE OWNER OR OPERATOR OF A COVERED PLATFORM THAT VIOLATES THIS**
21 **SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH**
22 **VIOLATION.**

23 **14-5105.**

24 **(A) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENJOIN ANY ACTS**
25 **IN VIOLATION OF THIS SUBTITLE AND TO RECOVER CIVIL PENALTIES AUTHORIZED**
26 **UNDER § 14-5104 OF THIS SUBTITLE.**

27 **(B) (1) BEFORE INITIATING AN ACTION UNDER SUBSECTION (A) OF THIS**
28 **SECTION, THE ATTORNEY GENERAL SHALL ISSUE A WRITTEN NOTICE OF VIOLATION**
29 **TO THE OWNER OR OPERATOR OF THE COVERED PLATFORM:**

30 **(I) IDENTIFYING EACH ALLEGED VIOLATION; AND**

1 (II) EXPLAINING THE BASIS FOR EACH ALLEGATION.

2 (2) THE OWNER OR OPERATOR OF A COVERED PLATFORM SHALL
3 HAVE 45 DAYS TO CURE A VIOLATION AFTER RECEIPT OF THE WRITTEN NOTICE
4 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

5 (3) THE OWNER OR OPERATOR OF A COVERED PLATFORM MAY CURE
6 AN ALLEGED VIOLATION OF THIS SUBTITLE BY PROVIDING TO THE ATTORNEY
7 GENERAL WRITTEN PROOF INDICATING THAT THE VIOLATION HAS BEEN CURED AND
8 NO FURTHER VIOLATIONS WILL OCCUR.

9 (C) THE ATTORNEY GENERAL MAY BRING AN ENFORCEMENT ACTION
10 AGAINST AN OWNER OR OPERATOR IF THE OWNER OR OPERATOR:

11 (1) FAILS TO CURE A VIOLATION WITHIN 45 DAYS AFTER RECEIVING
12 THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION; OR

13 (2) COMMITS ANOTHER VIOLATION OF THIS SUBTITLE AFTER
14 PROVIDING WRITTEN PROOF OF A CURE DESCRIBED IN SUBSECTION (B)(3) OF THIS
15 SECTION.

16 (D) IN ANY ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER THE
17 PROVISIONS OF THIS SUBTITLE, THE ATTORNEY GENERAL IS ENTITLED TO
18 RECOVER THE COSTS OF THE ACTION.

19 (E) CIVIL PENALTIES COLLECTED UNDER THIS SUBTITLE SHALL BE USED
20 FOR CONSUMER EDUCATION AND THE PROMOTION AND ENFORCEMENT OF
21 CONSUMER PROTECTION IN THE STATE.

22 14-5106.

23 THIS SUBTITLE MAY BE CITED AS THE KIDS ONLINE PROTECTION AND
24 ANTIGROOMING ACT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
26 1, 2026.