

HOUSE BILL 961

P3, P2

5lr2462
CF SB 1006

By: **Delegates Embry, Acevero, Boyce, Crutchfield, Kaufman, McComas, Pasteur, and Ruff**

Introduced and read first time: January 31, 2025

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2025

CHAPTER _____

1 AN ACT concerning

2 **Commissioned Public Art – Artist Rights and Registration of Art**

3 FOR the purpose of prohibiting an entity from including in a contract for certain State
4 public art a provision requiring artists to waive certain rights; prohibiting
5 enforcement of a certain waiver in an existing contract; requiring certain State public
6 art to be registered with the Maryland State Arts Council; and generally relating to
7 artist rights and State public art.

8 BY adding to

9 Article – State Finance and Procurement

10 Section 13–228

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2024 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 **13–228.**

17 (A) IN THIS SECTION, “STATE PUBLIC ART” MEANS PUBLIC ART
18 COMMISSIONED FOR A PROJECT THAT RECEIVES STATE FUNDING, REGARDLESS OF
19 WHETHER THE STATE FUNDING DIRECTLY PAID FOR THE PUBLIC ART.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(B) (1) AN ENTITY MAY NOT INCLUDE IN A CONTRACT FOR STATE PUBLIC ART A REQUIREMENT THAT AN ARTIST WAIVE COPYRIGHT PROTECTIONS OR RIGHTS UNDER 17 U.S.C. § 106A.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN ARTIST MAY CHOOSE TO WAIVE THEIR COPYRIGHT PROTECTIONS OR RIGHTS UNDER 17 U.S.C. § 106A IN A CONTRACT FOR STATE PUBLIC ART.

(C) A COURT MAY NOT ENFORCE A WAIVER DESCRIBED IN SUBSECTION ~~(B)~~ (B)(1) OF THIS SECTION THAT IS INCLUDED IN A CONTRACT ENTERED INTO BEFORE OCTOBER 1, 2025.

(D) AN ENTITY THAT COMMISSIONS STATE PUBLIC ART SHALL REGISTER THE ART WITH THE MARYLAND STATE ARTS COUNCIL, INCLUDING:

(1) THE NAME AND CONTACT INFORMATION OF THE ARTIST;

(2) THE LOCATION OF THE ART;

(3) THE TYPE OF ART;

(4) THE TITLE OF THE ART; AND

(5) THE DATE OF INSTALLATION OR CREATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.