

HOUSE BILL 961

P3, P2

5lr2462
CF 5lr3503

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

Introduced and read first time: January 31, 2025

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Commissioned Public Art – Artist Rights**

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; and generally relating to
6 artist rights and State public art.

7 BY adding to

8 Article – State Finance and Procurement

9 Section 13–228

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2024 Supplement)

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

14 **Article – State Finance and Procurement**

15 **13–228.**

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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