

NOTICE OF PROPOSED REGULATIONS

Published on Comptroller's website December 12, 2025

In accordance with State Government Article § 10-112.1, Annotated Code of Maryland, notice is hereby given that the Comptroller of Maryland has proposed the following new or amended regulations. The published regulations can be found in the December 26, 2025, edition of the [Maryland Register](#).

Title 03 COMPTROLLER OF THE TREASURY

Subtitle 12. Digital Advertising Tax

01. General Regulations

Authority: General Provisions Article, §§4-201 and 4-206; State Government Article, §§10-122(a) and 10-304(b); Tax-General Article, §§2-102, 2-103, and 7.5-102, Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Access" means the transmittal, display, embedding, or other availability to a user for viewing or interaction.

(2) "Device" means any medium through which digital advertising services may be accessed, including stationary or portable computing devices, tablets, phones, and smart devices.

(3) "Digital advertising services:"

(a) Means advertising services on a digital interface that are:

(i) programmatic; and

(ii) visually conveyed.

(b)[(a)] Includes advertisement services on a digital interface, including advertisements in the form of banner advertising, search engine advertising, interstitial advertising, and other comparable advertising services.

(c)[(b)] Does not include:

(i) advertisement services on digital interfaces owned or operated by or operated on behalf of a broadcast entity or news media entity as defined in Tax-General Article, § 7.5-101, Annotated Code of Maryland[.];

(ii) any advertising services that are not programmatic; or

(iii) any advertising services that are not visually conveyed.

(4) "Digital interface:"

(a) means any type of software, including a website, part of a website, or application, that a user is able to access; and

(b) can be accessed or conveyed either on or off the Internet.

(5) "Location" means the actual, physical location of a digital interface when a digital advertising service is accessed by a user.

(6) "Other comparable advertising services" includes the following digital advertising services:

(i) display advertising;

(ii) internet programmatic video advertising;

(iii) multichannel video programming distributor advertising conveyed via cable television, satellite television, or a digital fiber-optic distribution system;

- (iv) advertising on social media;*
- (v) native advertising; and*
- (vi) incentivized or rewarded advertising.*

(7)(a) “Programmatic” means capable of automating advertising services.

(b) Programmatic digital advertising services may be sold in real time by employing technology that uses computer- or software-driven workflow or machine learning algorithms to deliver advertisements to users based on advertiser-defined parameters, including precise user targeting data such as user:

- (i) geographic locations;*
- (ii) types of devices;*
- (iii) recent online search behaviors;*
- (iv) browsing history;*
- (v) shopping history;*
- (vi) purchase history; and*
- (vii) biographical and other information compiled in databases.*

(8)[(6)] “User” means an individual or any other person who accesses a digital interface with a device.