



Draft Meeting Minutes
Subcommittee on Law, Policy, and Legislation
June 10, 2022
Virtual Meeting
11:00 am – 12:00 pm

Member Attendance (5/10)

Senator Susan Lee and Blair Levin (co-chairs), Howard Feldman, Markus Rauschecker, and Paul Tiao.

Staff Attendance

Howard Barr (Assistant Attorney General & Principal Counsel, DoIT), Michael Lore (Chief of Staff, Office of Senator Lee), and Dr. Greg von Lehmen (University of Maryland Global Campus, Assigned Staff to the Maryland Cybersecurity Council)

Meeting Summary

1. The chairs welcomed the members and guests. The minutes of the November 11, 2021, meeting were called and unanimously approved without amendments.
2. The chairs then turned to the agenda:
 - a. Review of cybersecurity bills from the last session, including the following that were enacted:
 - i. [SB 643/HB 962](#) (Commercial Law - Maryland Personal Information Protection Act – Revisions)
 - ii. [SB 812](#) (State Government – Cybersecurity – Coordination and Governance)
 - iii. [SB 754](#) (Local Government Cybersecurity – Coordination and Operations (Local Cybersecurity Support Act of 2022))
 - iv. [HB 1205](#) (State Government – Information Technology and Cybersecurity–Related Infrastructure (Modernize Maryland Act of 2022))
 - v. [SB 4](#) (Cybersecurity Scholarship Program – Alterations)
 - vi. [SB 325](#) (Student Data Privacy – Protections, Digital Tools, and Student Data Privacy Council)
 - vii. [SB 207](#) (Insurance Carriers and Managed Care Organizations – Cybersecurity Standard)
 - viii. [SB 633](#) (Public Safety – 9–1–1 Emergency Telephone System – Alterations)
 - b. Senator Lee mentioned that she will be chairing an ad hoc working group of the Maryland Cybersecurity Council to inform a bill on consumer data privacy in the 2023 session. She noted that the working group has been approved by the Attorney General as chair of the Council and that it will effectively will fulfill [SB](#)

[11](#) that passed by the Senate this session. Within this context, she then introduced State Senator James Maroney (Connecticut) to talk about his [SB 6](#) (An Act Concerning Personal Data Privacy, and Online Monitoring) which was enacted in his state this year. Senator Maroney observed that his bill:

- i. Was informed by two years of working groups to obtain all of the industry inputs
- ii. Is most similar to the [Colorado Privacy Act](#) with some differences which he summarized.
- iii. Provided for a task force to study and make recommendations concerning child privacy, algorithmic decision-making, and geolocation, among other issues concerning data privacy. The task force's findings and recommendations are due by January 1, 2023.

There were then a number of questions from the subcommittee:

Markus Rauschecker. Does the Connecticut law include a private right of action? Answer: It does not. The bill might not have passed with that provision. But the bill provides for the hiring of additional staff in the AG's office to support enforcement.

Howard Feldman. Is there are cure provision in the Act? Answer. Yes. The Act is modelled in this respect on the Colorado law.

Senator Lee. Does the Act provide for a global opt-out? Answer. It does permit for a global opt-out like the Colorado statute. The mechanism in Colorado law will become mandatory. It is mandatory in the California law.

Senator Lee. Which entities were exempt from the bill? Answer: Entities covered by sector legislation—e.g., HIPPA, GLBA—as well as nonprofits, government entities, and postsecondary institutions, among others.

3. Senator Lee then invited Ms. Ly, the representative from commonsense.org, to provide comments about the Children and Teens' Online Privacy Protection Act ("COPPA 2.0") drafted by Senators Markey and Cassidy. Ms. Ly mentioned that the bill is bipartisan and bicameral. She noted that most critical updating COPPA is to move away from the actual knowledge standard to constructive knowledge or willful disregard.

Paul Tiao asked Ms. Ly what the chances are that some version of the bill will pass. Ms. Ly thought it was 50/50 whether it could pass before the August recess or be moved to the next session.

4. Senator Lee thanked Ms. Ly for her comments. With respect to the working group, the Senator mentioned that she would like to convene in July and September with the objective of completing findings and recommendations by December. Dates will be announced.

5. Senator Lee asked Mr. Levin and the other members if there was other business that should be discussed. Hearing none, the meeting was adjourned at 11:55.