

# SENATE BILL 348

P1  
HB 1183/20 – HGO

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Information Technology)**

Requested: September 22, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Information Technology – Cybersecurity**

3 FOR the purpose of codifying the establishment of the Office of Security Management  
4 within the Department of Information Technology, the position of State Chief  
5 Information Security Officer, and the Maryland Cybersecurity Coordinating Council;  
6 altering the membership of the Council; requiring each unit of the Legislative or  
7 Judicial Branch of State government that uses a certain network to certify certain  
8 compliance to the Department on or before a certain date each year; defining certain  
9 terms; requiring each agency and unit of the Executive Branch of State government  
10 to submit a certain report to the Governor on or before a certain date; making  
11 conforming changes; and generally relating to information technology.

12 BY renumbering

13 Article – State Finance and Procurement

14 Section 3A–101 through 3A–702, respectively, and the title “Title 3A. Department of  
15 Information Technology”

16 to be Section 3.5–101 through 3.5–702, respectively, and the title “Title 3.5.  
17 Department of Information Technology”

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Procedure

22 Section 10–221(b)

23 Annotated Code of Maryland

24 (2018 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Section 21–2C–03(h)(2)(i)  
2 Annotated Code of Maryland  
3 (2019 Replacement Volume and 2020 Supplement)
- 4 BY repealing and reenacting, with amendments,  
5 Article – Human Services  
6 Section 7–806(a), (b)(1), (c)(1), (d)(1) and (2)(i), and (g)(1)  
7 Annotated Code of Maryland  
8 (2019 Replacement Volume and 2020 Supplement)
- 9 BY repealing and reenacting, with amendments,  
10 Article – Insurance  
11 Section 31–103(a)(2)(i) and (b)(2)  
12 Annotated Code of Maryland  
13 (2017 Replacement Volume and 2020 Supplement)
- 14 BY repealing and reenacting, with amendments,  
15 Article – Natural Resources  
16 Section 1–403(c)  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2020 Supplement)
- 19 BY repealing and reenacting, without amendments,  
20 Article – State Finance and Procurement  
21 Section 3.5–101(a) and (e) and 3.5–301(a)  
22 Annotated Code of Maryland  
23 (2015 Replacement Volume and 2020 Supplement)  
24 (As enacted by Section 1 of this Act)
- 25 BY adding to  
26 Article – State Finance and Procurement  
27 Section 3.5–2A–01 through 3.5–2A–05 to be under the new subtitle “Subtitle 2A.  
28 Office of Security Management”  
29 Annotated Code of Maryland  
30 (2015 Replacement Volume and 2020 Supplement)
- 31 BY repealing and reenacting, with amendments,  
32 Article – State Finance and Procurement  
33 Section 3.5–301(h), 3.5–302(c), 3.5–303(b)(2)(ii)2., 3.5–307(a)(2), 3.5–309(c)(2), (i)(3),  
34 and (l), 3.5–311(a)(2)(i), and 3.5–404  
35 Annotated Code of Maryland  
36 (2015 Replacement Volume and 2020 Supplement)  
37 (As enacted by Section 1 of this Act)
- 38 BY repealing and reenacting, with amendments,  
39 Article – State Finance and Procurement  
40 Section 12–107(b)(2)(i)10. and 11.

1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2020 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
4 That Section(s) 3A–101 through 3A–702, respectively, and the title “Title 3A. Department  
5 of Information Technology” of Article – State Finance and Procurement of the Annotated  
6 Code of Maryland be renumbered to be Section(s) 3.5–101 through 3.5–702, respectively,  
7 and the title “Title 3.5. Department of Information Technology”.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
9 as follows:

10 **Article – Criminal Procedure**

11 10–221.

12 (b) Subject to Title [3A] 3.5, Subtitle 3 of the State Finance and Procurement  
13 Article, the regulations adopted by the Secretary under subsection (a)(1) of this section and  
14 the rules adopted by the Court of Appeals under subsection (a)(2) of this section shall:

15 (1) regulate the collection, reporting, and dissemination of criminal history  
16 record information by a court and criminal justice units;

17 (2) ensure the security of the criminal justice information system and  
18 criminal history record information reported to and collected from it;

19 (3) regulate the dissemination of criminal history record information in  
20 accordance with Subtitle 1 of this title and this subtitle;

21 (4) regulate the procedures for inspecting and challenging criminal history  
22 record information;

23 (5) regulate the auditing of criminal justice units to ensure that criminal  
24 history record information is:

25 (i) accurate and complete; and

26 (ii) collected, reported, and disseminated in accordance with Subtitle  
27 1 of this title and this subtitle;

28 (6) regulate the development and content of agreements between the  
29 Central Repository and criminal justice units and noncriminal justice units; and

30 (7) regulate the development of a fee schedule and provide for the collection  
31 of the fees for obtaining criminal history record information for other than criminal justice  
32 purposes.

**Article – Health – General**

21–2C–03.

(h) (2) The Board is subject to the following provisions of the State Finance and Procurement Article:

(i) Title [3A] **3.5**, Subtitle 3 (Information Processing), to the extent that the Secretary of Information Technology determines that an information technology project of the Board is a major information technology development project;

**Article – Human Services**

7–806.

(a) (1) Subject to paragraph (2) of this subsection, the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and [§ 3A–702] **§ 3.5–702** of the State Finance and Procurement Article shall be funded as provided in the State budget.

(2) For fiscal year 2019 and each fiscal year thereafter, the program under [§ 3A–702] **§ 3.5–702** of the State Finance and Procurement Article shall be funded at an amount that:

(i) is equal to the cost that the Department of Aging is expected to incur for the upcoming fiscal year to provide the service and administer the program; and

(ii) does not exceed 5 cents per month for each account out of the surcharge amount authorized under subsection (c) of this section.

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the programs under:

(i) § 7–804(a) of this subtitle, subject to the limitations and controls provided in this subtitle;

(ii) § 7–902(a) of this title, subject to the limitations and controls provided in Subtitle 9 of this title; and

(iii) [§ 3A–702] **§ 3.5–702** of the State Finance and Procurement Article, subject to the limitations and controls provided in Title 3A, Subtitle 7 of the State Finance and Procurement Article.

(c) (1) The costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and [§ 3A–702] **§ 3.5–702** of the State Finance and Procurement Article shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications

1 service; and

2 (ii) other funds as provided in the State budget.

3 (d) (1) The Secretary shall annually certify to the Public Service Commission  
4 the costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and [§  
5 3A–702] § 3.5–702 of the State Finance and Procurement Article to be paid by the  
6 Universal Service Trust Fund for the following fiscal year.

7 (2) (i) The Public Service Commission shall determine the surcharge  
8 for the following fiscal year necessary to fund the programs under § 7–804(a) of this subtitle,  
9 § 7–902(a) of this title, and [§ 3A–702] § 3.5–702 of the State Finance and Procurement  
10 Article.

11 (g) (1) The Legislative Auditor may conduct postaudits of a fiscal and  
12 compliance nature of the Universal Service Trust Fund and the expenditures made for  
13 purposes of § 7–804(a) of this subtitle, § 7–902(a) of this title, and [§ 3A–702] § 3.5–702 of  
14 the State Finance and Procurement Article.

#### 15 Article – Insurance

16 31–103.

17 (a) The Exchange is subject to:

18 (2) the following provisions of the State Finance and Procurement Article:

19 (i) Title [3A] 3.5, Subtitle 3 (Information Processing), to the extent  
20 that the Secretary of Information Technology determines that an information technology  
21 project of the Exchange is a major information technology development project;

22 (b) The Exchange is not subject to:

23 (2) Title [3A] 3.5, Subtitle 3 (Information Processing) of the State Finance  
24 and Procurement Article, except to the extent determined by the Secretary of Information  
25 Technology under subsection (a)(2)(i) of this section;

#### 26 Article – Natural Resources

27 1–403.

28 (c) The Department shall develop the electronic system consistent with the  
29 statewide information technology master plan developed under Title [3A] 3.5, Subtitle 3 of  
30 the State Finance and Procurement Article.

#### 31 Article – State Finance and Procurement

1 3.5-101.

2 (a) In this title the following words have the meanings indicated.

3 (e) "Unit of State government" means an agency or unit of the Executive Branch  
4 of State government.

5 **SUBTITLE 2A. OFFICE OF SECURITY MANAGEMENT.**

6 **3.5-2A-01.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (B) "COUNCIL" MEANS THE MARYLAND CYBERSECURITY COORDINATING  
10 COUNCIL.

11 (C) "OFFICE" MEANS THE OFFICE OF SECURITY MANAGEMENT.

12 **3.5-2A-02.**

13 **THERE IS AN OFFICE OF SECURITY MANAGEMENT WITHIN THE DEPARTMENT.**

14 **3.5-2A-03.**

15 (A) THE HEAD OF THE OFFICE IS THE STATE CHIEF INFORMATION  
16 SECURITY OFFICER.

17 (B) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL:

18 (1) BE APPOINTED BY AND SERVE AT THE PLEASURE OF THE  
19 GOVERNOR;

20 (2) BE SUPERVISED BY THE SECRETARY; AND

21 (3) SERVE AS THE CHIEF INFORMATION SECURITY OFFICER OF THE  
22 DEPARTMENT.

23 (C) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL PROVIDE  
24 CYBERSECURITY ADVICE AND RECOMMENDATIONS TO THE GOVERNOR ON  
25 REQUEST.

26 **3.5-2A-04.**

1           **(A) THE OFFICE IS RESPONSIBLE FOR THE DIRECTION, COORDINATION,**  
2 **AND IMPLEMENTATION OF THE OVERALL CYBERSECURITY STRATEGY AND POLICY**  
3 **FOR UNITS OF STATE GOVERNMENT.**

4           **(B) THE OFFICE SHALL:**

5                 **(1) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION**  
6 **COLLECTED OR MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE**  
7 **GOVERNMENT;**

8                 **(2) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION**  
9 **SYSTEMS MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE GOVERNMENT;**

10                **(3) DEVELOP GUIDELINES GOVERNING THE TYPES OF INFORMATION**  
11 **AND INFORMATION SYSTEMS TO BE INCLUDED IN EACH CATEGORY;**

12                **(4) ESTABLISH SECURITY REQUIREMENTS FOR INFORMATION AND**  
13 **INFORMATION SYSTEMS IN EACH CATEGORY;**

14                **(5) ASSESS THE CATEGORIZATION OF INFORMATION AND**  
15 **INFORMATION SYSTEMS AND THE ASSOCIATED IMPLEMENTATION OF THE SECURITY**  
16 **REQUIREMENTS ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION;**

17                **(6) IF THE STATE CHIEF INFORMATION SECURITY OFFICER**  
18 **DETERMINES THAT THERE ARE SECURITY VULNERABILITIES OR DEFICIENCIES IN**  
19 **THE IMPLEMENTATION OF THE SECURITY REQUIREMENTS ESTABLISHED UNDER**  
20 **ITEM (4) OF THIS SUBSECTION, DETERMINE WHETHER AN INFORMATION SYSTEM**  
21 **SHOULD BE ALLOWED TO CONTINUE TO OPERATE OR BE CONNECTED TO THE**  
22 **NETWORK ESTABLISHED IN ACCORDANCE WITH § 3.5-404 OF THIS TITLE;**

23                **(7) MANAGE SECURITY AWARENESS TRAINING FOR ALL**  
24 **APPROPRIATE EMPLOYEES OF UNITS OF STATE GOVERNMENT;**

25                **(8) ASSIST IN THE DEVELOPMENT OF DATA MANAGEMENT, DATA**  
26 **GOVERNANCE, AND DATA SPECIFICATION STANDARDS TO PROMOTE**  
27 **STANDARDIZATION AND REDUCE RISK; AND**

28                **(9) ASSIST IN THE DEVELOPMENT OF A DIGITAL IDENTITY STANDARD**  
29 **AND SPECIFICATION APPLICABLE TO ALL PARTIES COMMUNICATING, INTERACTING,**  
30 **OR CONDUCTING BUSINESS WITH OR ON BEHALF OF A UNIT OF STATE GOVERNMENT.**

31 **3.5-2A-05.**

1           **(A) THERE IS A MARYLAND CYBERSECURITY COORDINATING COUNCIL.**

2           **(B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:**

3                   **(1) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**  
4 **SECRETARY'S DESIGNEE;**

5                   **(2) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S**  
6 **DESIGNEE;**

7                   **(3) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;**

8                   **(4) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S**  
9 **DESIGNEE;**

10                   **(5) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL**  
11 **SERVICES, OR THE SECRETARY'S DESIGNEE;**

12                   **(6) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S**  
13 **DESIGNEE;**

14                   **(7) THE STATE CHIEF INFORMATION SECURITY OFFICER;**

15                   **(8) THE ADJUTANT GENERAL OF THE MARYLAND NATIONAL GUARD,**  
16 **OR THE ADJUTANT GENERAL'S DESIGNEE;**

17                   **(9) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT**  
18 **AGENCY, OR THE DIRECTOR'S DESIGNEE;**

19                   **(10) THE SUPERINTENDENT OF STATE POLICE, OR THE**  
20 **SUPERINTENDENT'S DESIGNEE; AND**

21                   **(11) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF HOMELAND**  
22 **SECURITY, OR THE DIRECTOR'S DESIGNEE.**

23           **(C) THE CHAIR OF THE COUNCIL IS THE STATE CHIEF INFORMATION**  
24 **SECURITY OFFICER.**

25           **(D) THE COUNCIL SHALL MEET AT LEAST QUARTERLY AT THE REQUEST OF**  
26 **THE CHAIR.**

27           **(E) THE COUNCIL SHALL PROVIDE ADVICE AND RECOMMENDATIONS TO**



1 THE STATE CHIEF INFORMATION SECURITY OFFICER REGARDING:

2 (1) THE STRATEGY AND IMPLEMENTATION OF CYBERSECURITY  
3 INITIATIVES AND RECOMMENDATIONS; AND

4 (2) BUILDING AND SUSTAINING THE CAPABILITY OF THE STATE TO  
5 IDENTIFY AND MITIGATE CYBERSECURITY RISK AND RESPOND TO AND RECOVER  
6 FROM CYBERSECURITY-RELATED INCIDENTS.

7 (F) IN CARRYING OUT THE DUTIES OF THE COUNCIL, THE COUNCIL MAY  
8 CONSULT WITH OUTSIDE EXPERTS, INCLUDING EXPERTS IN THE PRIVATE SECTOR,  
9 GOVERNMENT AGENCIES, AND INSTITUTIONS OF HIGHER EDUCATION.

10 3.5-301.

11 (a) In this subtitle the following words have the meanings indicated.

12 (h) “Nonvisual access” means the ability, through keyboard control, synthesized  
13 speech, Braille, or other methods not requiring sight to receive, use, and manipulate  
14 information and operate controls necessary to access information technology in accordance  
15 with standards adopted under [§ 3A-303(b)] **§ 3.5-303(B)** of this subtitle.

16 3.5-302.

17 (c) Notwithstanding any other provision of law, except as provided in subsection  
18 (a) of this section and [§§ 3A-307(a)(2), 3A-308, and 3A-309] **§§ 3.5-307(A)(2), 3.5-308,**  
19 **AND 3.5-309** of this subtitle, this subtitle applies to all units of the Executive Branch of  
20 State government including public institutions of higher education other than Morgan  
21 State University, the University System of Maryland, and St. Mary’s College of Maryland.

22 3.5-303.

23 (b) On or before January 1, 2020, the Secretary, or the Secretary’s designee, shall:

24 (2) establish a process for the Secretary or the Secretary’s designee to:

25 (ii) 2. for information technology procured by a State unit on or  
26 after January 1, 2020, enforce the nonvisual access clause developed under [§ 3A-311] **§**  
27 **3.5-311** of this subtitle, including the enforcement of the civil penalty described in [§  
28 3A-311(a)(2)(iii)1] **§ 3.5-311(A)(2)(III)1** of this subtitle.

29 3.5-307.

30 (a) (2) A unit of State government other than a public institution of higher  
31 education may not make expenditures for major information technology development

1 projects except as provided in [§ 3A-308] § 3.5-308 of this subtitle.

2 3.5-309.

3 (c) The Secretary:

4 (2) subject to the provisions of § 2-201 of this article and [§ 3A-307] §  
5 3.5-307 of this subtitle, may receive and accept contributions, grants, or gifts of money or  
6 property.

7 (i) The Fund may be used:

8 (3) notwithstanding [§ 3A-301(b)(2)] § 3.5-301(B)(2) of this subtitle, for  
9 the costs of the first 12 months of operation and maintenance of a major information  
10 technology development project.

11 (l) Notwithstanding subsection (b) of this section, money paid into the Fund  
12 under subsection (e)(2) of this section may be used to support the State telecommunication  
13 and computer network established under [§ 3A-404] § 3.5-404 of this title, including  
14 program development for these activities.

15 3.5-311.

16 (a) (2) On or after January 1, 2020, the nonvisual access clause developed in  
17 accordance with paragraph (1) of this subsection shall include a statement that:

18 (i) within 18 months after the award of the procurement, the  
19 Secretary, or the Secretary's designee, will determine whether the information technology  
20 meets the nonvisual access standards adopted in accordance with [§ 3A-303(b)] §  
21 3.5-303(B) of this subtitle;

22 3.5-404.

23 (a) The General Assembly declares that:

24 (1) it is the policy of the State to foster telecommunication and computer  
25 networking among State and local governments, their agencies, and educational  
26 institutions in the State;

27 (2) there is a need to improve access, especially in rural areas, to efficient  
28 telecommunication and computer network connections;

29 (3) improvement of telecommunication and computer networking for State  
30 and local governments and educational institutions promotes economic development,  
31 educational resource use and development, and efficiency in State and local administration;

1 (4) rates for the intrastate inter-LATA telephone communications needed  
2 for effective integration of telecommunication and computer resources are prohibitive for  
3 many smaller governments, agencies, and institutions; and

4 (5) the use of improved State telecommunication and computer networking  
5 under this section is intended not to compete with commercial access to advanced network  
6 technology, but rather to foster fundamental efficiencies in government and education for  
7 the public good.

8 (b) (1) The Department shall establish a telecommunication and computer  
9 network in the State.

10 (2) The network shall consist of:

11 (i) one or more connection facilities for telecommunication and  
12 computer connection in each local access transport area (LATA) in the State; and

13 (ii) facilities, auxiliary equipment, and services required to support  
14 the network in a reliable and secure manner.

15 (c) The network shall be accessible through direct connection and through local  
16 intra-LATA telecommunications to State and local governments and public and private  
17 educational institutions in the State.

18 **(D) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH UNIT OF THE**  
19 **LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT THAT USES THE**  
20 **NETWORK ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CERTIFY**  
21 **TO THE DEPARTMENT THAT THE UNIT IS IN COMPLIANCE WITH THE DEPARTMENT'S**  
22 **MINIMUM SECURITY STANDARDS.**

23 12-107.

24 (b) Subject to the authority of the Board, jurisdiction over procurement is as  
25 follows:

26 (2) the Department of General Services may:

27 (i) engage in or control procurement of:

28 10. information processing equipment and associated  
29 services, as provided in Title [3A] 3.5, Subtitle 3 of this article; and

30 11. telecommunication equipment, systems, or services, as  
31 provided in Title [3A] 3.5, Subtitle 4 of this article;

32 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before April 1, 2022,

1 each agency and unit of the Executive Branch of State government shall submit a report to  
2 the Governor that includes:

3 (1) an inventory of all information systems and applications used or  
4 maintained by the agency or unit;

5 (2) a full data inventory of the agency or unit;

6 (3) a list of all cloud or statistical analysis system solutions used by the  
7 agency or unit; and

8 (4) a list of all permanent and transient vendor interconnections that are  
9 in place.

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2021.