

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 839
Finance

(Senators Rosapepe and King)

Maryland Voluntary COVID-19 Vaccine Passport

This bill requires the Maryland Department of Health (MDH), by July 1, 2022, to ensure that “Maryland MyIR Mobile” has a specified design. MDH must develop and implement an outreach and marketing plan to raise awareness of Maryland MyIR Mobile as a voluntary vaccine passport technology that may be used for verifying proof of COVID-19 vaccination status by an individual, a business, and any other public or private entity in the State. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: No likely effect in FY 2022. To the extent that MDH must contract with MyIR Mobile to ensure the platform complies with the bill, general fund expenditures increase by an estimated \$2.6 million in FY 2023, as discussed below. MDH can likely develop and implement an outreach and marketing plan using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Maryland MyIR Mobile” means the State immunization record service that provides an individual with access to the individual’s official State immunization records and the ability to voluntarily and securely display on and transmit through a mobile

device proof of the individual's vaccination for COVID-19 using a SMART Health Card QR code.

MDH must ensure that Maryland MyIR Mobile has a design that (1) enables its voluntary use as a vaccine passport for individuals who seek to display proof of their COVID-19 vaccination status on a mobile device to access a venue where proof of COVID-19 vaccination is required for entry; (2) uses a mobile application that is compatible with all mobile devices in widespread use; (3) is able to automatically display a SMART Health Card QR code in a wallet function on any mobile device that has that function; (4) has a SMART Health Card QR code that is verified as valid under CommonTrust Network requirements for multistate functionality; (5) is compatible with multinational vaccine passport platforms; (6) displays information in Spanish and other languages commonly used in the State, as determined by MDH; and (7) enables its use by individuals with disabilities.

Current Law: None.

State Expenditures: In October 2019, MDH announced a new portal that enables Maryland residents to view and print official copies of vaccination records on demand without an additional request to a health care provider. The portal, My IR, was developed as part of a U.S. Department of Health and Human Services (HHS) pilot project. As of February 2022, there is no *State* immunization record service (or Maryland MyIR Mobile); instead, Maryland's vaccination records are connected to MyIR Mobile as part of the pilot program.

Five states (including Maryland) issue SMART Health Card QR codes through MyIR Mobile that allow users to access and share digital vaccine credentials for verification. Vaccine credentials are available in a print-ready format or as a QR code for both iPhone and Android mobile devices. Once a user has a QR code downloaded, it can be used to prove COVID-19 vaccination status to any SMART Health Card compliant vendor. Businesses can use a SMART Health Card verifier application to scan a SMART Health Card QR code to confirm an individual's COVID-19 vaccination. Scanning the QR code indicates whether the SMART Health Card is valid, whether the issuer is in the CommonTrust Network's Registry of trusted issuers, and key information on the SMART Health Card (issuer name, vaccine type, dates of vaccine doses, and name and date of birth of vaccine recipient). Applications are available on both iPhone and Android devices.

Although MyIR Mobile is generally compliant with the requirements of the bill, MDH advises that because HHS is the administrator of the contract, MDH is not able to request services beyond what is provided to pilot participants. The State does not have its own contract with MyIR Mobile. To the extent that MDH must contract directly with

MyIR Mobile to ensure the platform complies with the bill, MDH general fund expenditures increase by an estimated \$2.6 million in fiscal 2023. MDH advises that a contract of this magnitude takes approximately 12 to 18 months to be awarded and requires the approval of the Board of Public Works. Thus, MDH could not meet the bill's June 1, 2022 deadline.

MDH further advises that, depending on the scope of the plan required (which is not specified under the bill), MDH can likely develop and implement an outreach and marketing plan to raise awareness of the current MyIR Mobile platform using existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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