



Maryland
Hospital Association

February 25, 2021

To: The Honorable William C. Smith Jr., Chair, Senate Judicial Proceedings Committee

Re: Letter of Information - Senate Bill 623 - Criminal Law - Crimes Involving Computers

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 623.

The health care sector nationwide and in Maryland continues to be targeted by cyber criminals, particularly during the COVID-19 public health emergency.¹ Data breaches target hospitals' cache of personal and financial data for patients and employees. Maryland hospitals appreciate efforts to improve cybersecurity and target ransomware, which accounts for 85% of all malware attacks in the health care field.²

Hospitals adhere to the highest standards to protect patient information. Federal law requires routine security risk assessments to ensure hospitals protect against cyberattacks. Yet, including ransomware as a crime in state statute may impede federal agencies, including the FBI and CIA, that oversee cybercrime and prosecute cyberattacks.

As critical infrastructure organizations dedicated to safety and health, hospitals are committed to strengthening our defense against cyberattacks. If the committee proceeds with this bill, we ask that the committee consider *clarifying* within the bill that civil action *shall only* be brought against the perpetrator of the cyberattack—rather than other parties.

For these reasons, we abstain from recommending a position on SB 623 and *request clarification* of the civil action provision should the sponsor and committee move this bill forward.

For more information, please contact:
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¹ Cybersecurity and Infrastructure Security Agency. (November 2, 2020). "[Alert \(AA20-302A\):Ransomware Activity Targeting the Healthcare and Public Health Sector](#)"

² Verizon. (2018). "[2018 Data Breach Investigations Report](#)."