

HOUSE BILL 38

P1
SB 120/20 – EHE

(PRE-FILED)

1lr1030
CF SB 49

By: **Delegate Carey**

Requested: October 19, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring the Secretary of Information Technology, in consultation with
4 the Attorney General, to advise and oversee a consistent cybersecurity strategy for
5 certain units of State government; requiring the Secretary to advise and consult with
6 the Legislative and Judicial branches of State government regarding a cybersecurity
7 strategy; requiring the Secretary, in consultation with the Attorney General, to
8 develop guidance on consistent cybersecurity strategies for certain political
9 subdivisions of the State; providing for the construction of certain provisions of this
10 Act; defining certain terms; and generally relating to cybersecurity.

11 BY repealing and reenacting, without amendments,
12 Article – State Finance and Procurement
13 Section 3A-101
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 3A-301 and 3A-303
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2020 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 That the Laws of Maryland read as follows:

2 **Article – State Finance and Procurement**

3 3A–101.

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

5 (b) “Department” means the Department of Information Technology.

6 (c) “Secretary” means the Secretary of Information Technology.

7 (d) “Telecommunication” means the transmission of information, images,
8 pictures, voice, or data by radio, video, or other electronic or impulse means.

9 (e) “Unit of State government” means an agency or unit of the Executive Branch
10 of State government.

11 3A–301.

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

13 **(B) “CYBERSECURITY” MEANS PROCESSES OR CAPABILITIES WHEREIN**
14 **SYSTEMS, COMMUNICATIONS, AND INFORMATION ARE PROTECTED AND DEFENDED**
15 **AGAINST DAMAGE, UNAUTHORIZED USE OR MODIFICATION, AND EXPLOITATION.**

16 **(C) “CYBERSECURITY STRATEGY” MEANS A VISION, A PLAN OF ACTION, OR**
17 **GUIDING PRINCIPLES.**

18 **[(b)] (D)** (1) “Development” means all expenditures for a new information
19 technology system or an enhancement to an existing system including system:

20 (i) planning;

21 (ii) procurement;

22 (iii) creation;

23 (iv) installation;

24 (v) testing; and

25 (vi) initial training.

26 (2) “Development” does not include:

1 (i) ongoing operating costs, software or hardware maintenance,
2 routine upgrades, or modifications that merely allow for a continuation of the existing level
3 of functionality; or

4 (ii) expenditures made after a new or enhanced system has been
5 legally accepted by the user and is being used for the business process for which it was
6 intended.

7 **[(c)] (E)** “Fund” means the Major Information Technology Development Project
8 Fund.

9 **[(d)] (F)** “Information technology” means all electronic information processing
10 hardware and software, including:

11 (1) maintenance;

12 (2) telecommunications; and

13 (3) associated consulting services.

14 **[(e)] (G)** “Information technology services” means information provided by
15 electronic means by or on behalf of a unit of State government.

16 **[(f)] (H)** “Major information technology development project” means any
17 information technology development project that meets one or more of the following
18 criteria:

19 (1) the estimated total cost of development equals or exceeds \$1,000,000;

20 (2) the project is undertaken to support a critical business function
21 associated with the public health, education, safety, or financial well-being of the citizens
22 of Maryland; or

23 (3) the Secretary determines that the project requires the special attention
24 and consideration given to a major information technology development project due to:

25 (i) the significance of the project’s potential benefits or risks;

26 (ii) the impact of the project on the public or local governments;

27 (iii) the public visibility of the project; or

28 (iv) other reasons as determined by the Secretary.

29 **[(g)] (I)** “Master plan” means the statewide information technology master
30 plan.

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

5 **[(i)] (K)** “Resource sharing” means the utilization of a State resource by private
6 industry in exchange for the provision to the State of a communication service or other
7 consideration.

8 **[(j)] (L)** “Systems development life cycle plan” means a plan that defines all
9 actions, functions, or activities to be performed by a unit of State government in the
10 definition, planning, acquisition, development, testing, implementation, operation,
11 enhancement, and modification of information technology systems.

12 3A–303.

13 (a) The Secretary is responsible for carrying out the following duties:

14 (1) developing, maintaining, revising, and enforcing information
15 technology policies, procedures, and standards;

16 (2) providing technical assistance, advice, and recommendations to the
17 Governor and any unit of State government concerning information technology matters;

18 (3) reviewing the annual project plan for each unit of State government to
19 make information and services available to the public over the Internet;

20 (4) developing and maintaining a statewide information technology master
21 plan that will:

22 (i) be the basis for the management and direction of information
23 technology within the Executive Branch of State government;

24 (ii) include all aspects of State information technology including
25 telecommunications, security, data processing, and information management;

26 (iii) consider interstate transfers as a result of federal legislation and
27 regulation;

28 (iv) work jointly with the Secretary of Budget and Management to
29 ensure that information technology plans and budgets are consistent;

30 (v) ensure that State information technology plans, policies, and
31 standards are consistent with State goals, objectives, and resources, and represent a
32 long-range vision for using information technology to improve the overall effectiveness of
33 State government; and

1 (vi) include standards to assure nonvisual access to the information
2 and services made available to the public over the Internet; [and]

3 (5) adopting by regulation and enforcing nonvisual access standards to be
4 used in the procurement of information technology services by or on behalf of units of State
5 government in accordance with subsection (b) of this section;

6 (6) IN CONSULTATION WITH THE ATTORNEY GENERAL, ADVISING
7 AND OVERSEEING A CONSISTENT CYBERSECURITY STRATEGY FOR UNITS OF STATE
8 GOVERNMENT, INCLUDING INSTITUTIONS UNDER THE CONTROL OF THE
9 GOVERNING BOARDS OF THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION;

10 (7) ADVISING AND CONSULTING WITH THE LEGISLATIVE AND
11 JUDICIAL BRANCHES OF STATE GOVERNMENT REGARDING A CYBERSECURITY
12 STRATEGY; AND

13 (8) IN CONSULTATION WITH THE ATTORNEY GENERAL, DEVELOPING
14 GUIDANCE ON CONSISTENT CYBERSECURITY STRATEGIES FOR COUNTIES,
15 MUNICIPAL CORPORATIONS, SCHOOL SYSTEMS, AND ALL OTHER POLITICAL
16 SUBDIVISIONS OF THE STATE.

17 (B) NOTHING IN SUBSECTION (A) OF THIS SECTION MAY BE CONSTRUED AS
18 ESTABLISHING A MANDATE FOR ANY ENTITY LISTED IN SUBSECTION (A)(8) OF THIS
19 SECTION.

20 [(b)] (C) On or before January 1, 2020, the Secretary, or the Secretary's
21 designee, shall:

22 (1) adopt new nonvisual access procurement standards that:

23 (i) provide an individual with disabilities with nonvisual access in a
24 way that is fully and equally accessible to and independently usable by the individual with
25 disabilities so that the individual is able to acquire the same information, engage in the
26 same interactions, and enjoy the same services as users without disabilities, with
27 substantially equivalent ease of use; and

28 (ii) are consistent with the standards of § 508 of the federal
29 Rehabilitation Act of 1973; and

30 (2) establish a process for the Secretary or the Secretary's designee to:

31 (i) determine whether information technology meets the nonvisual
32 access standards adopted under item (1) of this subsection; and

33 (ii) 1. for information technology procured by a State unit before
34 January 1, 2020, and still used by the State unit on or after January 1, 2020, work with the

1 vendor to modify the information technology to meet the nonvisual access standards, if
2 practicable; or

3 2. for information technology procured by a State unit on or
4 after January 1, 2020, enforce the nonvisual access clause developed under § 3A–311 of this
5 subtitle, including the enforcement of the civil penalty described in § 3A–311(a)(2)(iii)1 of
6 this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.