

UNOFFICIAL COPY OF SENATE BILL 757

SENATE BILL 757

S1, P1
HB 1141/23 - HGO

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CF HB 617

By: **Senators Carozza, Bailey, Brooks, Charles, Elfreth, Gallion, Gile, Hester,
James, Ready, and West**

Introduced and read first time: February 1, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **State Information Technology - ~~Prohibited Applications and Websites~~ Restricted Software**

3 FOR the purpose of prohibiting certain ~~applications from being used and certain websites~~ restricted
4 software

5 from being accessed, downloaded, or used by certain employees, agents, or entities on any
6 information

7 technology owned or leased by a unit of State government; requiring the Department
8 of Budget and Management, in collaboration with the Department of Information

9 Technology, to prepare guidance for units of State government to remove from and
10 prohibit the use of and access to ~~certain applications and websites~~ restricted software on
11 information

12 technology owned or leased by the unit; and generally relating to ~~applications,~~
13 ~~websites,~~ restricted software and State information technology.

14 BY adding to

15 Article - State Finance and Procurement

16 Section 3.5-801 to be under the new subtitle "Subtitle 8. ~~Prohibited Applications and~~
17 ~~Websites~~ Restricted Software "

18 Annotated Code of Maryland

19 (2021 Replacement Volume and 2023 Supplement)

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

21 That the Laws of Maryland read as follows:

22 **Article - State Finance and Procurement**

23 **SUBTITLE 8. ~~PROHIBITED APPLICATIONS AND WEBSITES~~ RESTRICTED SOFTWARE.**

24 **3.5-801.**

25 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
26 **INDICATED.**

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1 ~~(2) "BYTEDANCE LTD." MEANS THE CHINESE INTERNET~~
 2 ~~TECHNOLOGY COMPANY FOUNDED BY ZHANG YIMING AND LIANG RUBO IN 2012,~~
 3 ~~AND ANY SUCCESSOR COMPANY OR ENTITY OWNED BY THE COMPANY.~~

4 ~~(2)~~ (2) "INFORMATION TECHNOLOGY" HAS THE MEANING STATED IN §
 5 3.5-301 OF THIS TITLE.

6 ~~(4) "TENCENT HOLDINGS LTD." MEANS THE CHINESE~~
 7 ~~MULTINATIONAL TECHNOLOGY AND ENTERTAINMENT CONGLOMERATE AND~~
 8 ~~HOLDING COMPANY HEADQUARTERED IN SHENZHEN, CHINA, AND ANY SUCCESSOR~~
 9 ~~COMPANY OR ENTITY OWNED BY THE COMPANY.~~

10 ~~(5) "TIKTOK" MEANS THE VIDEO SHARING APPLICATION~~
 11 ~~DEVELOPED BY BYTEDANCE LTD. THAT HOSTS USER-SUBMITTED VIDEOS.~~

12 ~~(6) "WECHAT" MEANS THE MULTIPURPOSE SOCIAL MEDIA,~~
 13 ~~MESSAGING, AND PAYMENT APPLICATION DEVELOPED BY TENCENT HOLDINGS~~
 14 ~~LTD.~~

(3) "RESTRICTED SOFTWARE" MEANS SOFTWARE THAT THE
DEPARTMENT DETERMINES POSES A THREAT TO THE SECURITY OF THE STATE, INCLUDING
SOFTWARE CREATED, OPERATED, OR OWNED BY A COMPANY THAT THE DEPARTMENT
DETERMINES POSES A THREAT TO THE SECURITY OF THE STATE.

(B) THE DEPARTMENT SHALL PUBLISH AND MAINTAIN A LIST OF
RESTRICTED SOFTWARE AND COMPANIES THAT THE DEPARTMENT DETERMINES POSES A
THREAT TO THE SECURITY OF THE STATE.

15 ~~(B)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION ~~(C)~~ (D) OF THIS SECTION,
 AN
 16 EMPLOYEE OR AGENT OF A UNIT OR AN ENTITY CONTRACTING WITH A UNIT MAY NOT ACCESS,
 17 DOWNLOAD, OR USE ANY APPLICATION, INCLUDING TIKTOK OR WECHAT, OR
 18 ACCESS ANY WEBSITE DEVELOPED BY BYTEDANCE LTD. OR TENCENT HOLDINGS
 19 LTD., RESTRICTED SOFTWARE:

20 (1) ON ANY INFORMATION TECHNOLOGY OWNED OR LEASED BY THE
 21 UNIT; OR

22 (2) WHILE CONNECTED TO ANY WIRED OR WIRELESS INTERNET
 23 NETWORK OWNED, OPERATED, OR MAINTAINED BY THE STATE.

24 ~~(C)~~ (D) THIS SECTION DOES NOT APPLY WHERE THE USE OF THE APPLICATION
 25 OR ACCESS TO THE WEBSITE RESTRICTED SOFTWARE IS NECESSARY FOR:

26 (1) LAW ENFORCEMENT ACTIVITIES;

27 (2) PROTECTING NATIONAL SECURITY; OR

28 (3) RESEARCH ON SECURITY PRACTICES.

(E) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE
SERVICES MAY USE THE LIST MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION AS
GUIDANCE WHEN DEVELOPING INFORMATION TECHNOLOGY POLICIES FOR THE GENERAL
ASSEMBLY AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

29 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
 30 2024, the Department of Budget and Management, in collaboration with the Department
 31 of Information Technology, shall publish guidelines to assist units of State government in:

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1 (1) removing and preventing access to ~~applications and websites~~ restricted software
2 prohibited

3 under § 3.5-801 of the State Finance and Procurement Article, as enacted by Section 1 of
4 this Act, from information technology owned and leased by the unit;

4 (2) maintaining an ongoing prohibition on ~~prohibited applications and~~
5 ~~websites~~ restricted software being installed, maintained, or accessed on any information technology
6 owned and leased by the unit; and

7 (3) permitting the installation, maintenance, and access to prohibited
8 ~~applications and websites~~ restricted software where it is necessary for:

9 (i) law enforcement activities;

10 (ii) protecting national security; and

11 (iii) research on security practices.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2024.