



Committee: Senate Finance Committee

Bill Number: SB 541 – Maryland Online Data Privacy Act of 2024

Hearing Date: February 14, 2024

Position: Support

The Licensed Clinical Professional Counselors of Maryland supports *Senate Bill 541 – Maryland Online Data Privacy Act of 2024*. The bill provides protection of consumer information collected online. LCPCM supports this bill because there are a growing number of online vendors, including apps, that collect mental health information that is not protected by the Health Insurance Portability and Accountability Act (HIPAA). HIPAA only protects the information in health provider records. When there is a platform offered by entity not affiliated with a health care provider, there are few, if any, privacy protections in state or federal law. There are a growing number of platforms that advertise being able to help consumers improve their mental health and wellbeing. Consumers may be providing sensitive person information without understanding that there are virtually no legal barriers to the platform selling or redisclosing that data. The sharing of this data may be detrimental to consumers' health. Therefore, LCPCM supports this legislation which will begin to provide some safeguards to this data. We ask for a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net.

HIPAA only protections the information collected by providers in electronic health records. State confidentiality laws extend similar protections to any paper health records. However, HIPAA and state laws do *not* protect health data that consumers provide to entities who are not connected to health care providers. For example, there are a proliferation of apps that help consumers track their menstrual cycles, health indicators such as heart rate, and sleep patterns.

This legislation is essential to providing safeguards, so that consumers may disclose how their personal data is used and shared. It also provides essential protections to consumers seeking reproductive or behavioral health, as it prohibits the use of geofencing data that could later be used to penalize or intimidate consumers.

We urge a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net.