



February 27, 2025
The Honorable Guy Guzzone
Chair, Budget and Taxation Committee
3 West Miller Senate Office Building
Annapolis, MD 21401

Dear Chair Guzzone –

On behalf of the Chesapeake Regional Information System for our Patients (CRISP), the designated health information exchange (HIE) and health data utility (HDU) for Maryland, I am writing to express our concern for SB 904 *Data Brokers – Registry and Gross Income Tax (Building Information Guardrails Data Act of 2025)*. Although we generally support the bill and data privacy, we are concerned that good actors already regulated by other federal and state laws may be unnecessarily swept up in this bill.

The bill exempts “consumer reporting agencies” and “financial institutions . . . to the extent [they are] subject to regulation” adopted under certain laws. The bill does not mention, however, data and entities regulated under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Such entities and data are highly regulated and already restricted in selling data. We believe that, in general, these entities and data would not be included in the definition of “data brokering,” provided they do not sell such data, but believe the bill needs to be clearer. Otherwise, entities, such as CRISP, who are regulated under HIPAA and analyzing and aggregating data to ensure patient safety and promote public health, may be unintentionally included in the bill. Including them in this bill may disincentivize data analysis and aggregation that is necessary to ensure patient safety and respond to public health emergencies.

Therefore, we support this bill, but request that, just as consumer reporting agencies and financial institutions subject to regulation are specifically exempted, so too should the bill exempt a covered entity or business associate of a covered entity as defined by HIPAA. **Specifically, we request that a section (III) be added to §7.3-101(F)(2) to read:**

“A covered entity or business associate of a covered entity as defined by the Health Insurance Portability and Accountability Act of 1996.”

As a strong proponent of patient consent and privacy, CRISP supports the overall intent of this bill; however, since covered entities and their business associates are already highly regulated by HIPAA, we believe that, similar to the carve-outs for financial institutions subject to privacy regulations, the concerns this bill seeks to mitigate are addressed in HIPAA, without disincentivizing the type of data analysis critical to patient safety and the overall promotion of public health.

Thank you for your consideration and the opportunity to express our concerns regarding the current language in SB 904.

Best,



Nichole Ellis Sweeney, JD
CRISP General Counsel and Chief Privacy Office