



Senate Bill 853

Position: Unfavorable

Committee: Education, Energy, and the Environment

Date: March 5, 2026

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 853 (“SB 853”) would create a sweeping prohibition on nondisclosure agreements (NDAs) in connection with economic development activities that would significantly undermine Maryland’s competitiveness in attracting and retaining private investment.

Economic development projects—particularly large-scale, capital-intensive investments such as advanced manufacturing facilities, technology campuses, and data centers—require extensive due diligence, site evaluation, financing negotiations, and proprietary planning. Confidentiality agreements are a critical tool in these processes that protects trade secrets, intellectual property, market-sensitive data, security plans, and other confidential business information that, if prematurely disclosed, could jeopardize a project or place a company at a competitive disadvantage.

By broadly prohibiting NDAs for individuals involved in economic development activities, SB 853 would:

- Discourage companies from considering Maryland for major investments.
- Place Maryland at a competitive disadvantage compared to neighboring states that routinely use confidentiality protections during recruitment efforts.
- Increase the risk of sensitive business information becoming public before a project is finalized.
- Complicate negotiations between private entities and public officials, slowing down or derailing economic opportunities.

Confidentiality during early-stage negotiations does not preclude transparency once agreements are finalized. SB 853 goes beyond reasonable transparency measures and instead eliminates a widely accepted practice used nationwide. **For these reasons, the Maryland Chamber respectfully requests an unfavorable report on SB 853.**