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**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION**

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February 19, 2026

TO: The Honorable Pamela Beidle, Chair
Finance Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 564 – State Government – Office of the Attorney General –
Data Protection SUPPORT WITH AMENDMENT

The Consumer Protection Division (Division) of the Office of the Attorney General (OAG) supports Senate Bill 564 (“SB 564”), sponsored by Senators Gile and Love, with amendments. Senate Bill 564 establishes a Division of Data Protection in the OAG to enforce only three enumerated statutes: the speculative tickets statute, the Maryland Online Data Privacy Act (“MODPA”), and the Maryland Age-Appropriate Design Code Act (“Kids’ Code”).

Upon the passage of MODPA, the OAG sought the establishment of a unit within the Division to enforce privacy protections for Maryland consumers.¹ Senate Bill 564 establishes such a unit which the Division supports. However, SB 564 does not provide a dedicated funding source to support the operations of the proposed unit. Additionally, its jurisdiction is confined to three specific statutes,² without addressing or incorporating several other existing privacy-related laws. Notably, SB 564 fails to include several privacy-related statutes within the unit’s jurisdiction, including the Personal Information Protection Act,³ the Genetic Information Privacy Act,⁴ and the Online Kids Safety Act,⁵ as well as any privacy-related statutes being considered this legislative session. Finally, the bill establishes the unit independently of the consumer protection framework, without integrating it into the existing Consumer Protection Division structure.

¹ For our prior testimony on this topic, please see Attachment A.

² Specifically, the unit’s jurisdiction is limited to: the prohibition on the sale of speculative tickets (Md. Code Ann., Com Law § 13-310.1), MODPA (Md. Code Ann., Com Law § 14-4701 *et seq.*), and the Age-Appropriate Design Code Act (Md. Code Ann., Com Law § 14-4801 *et seq.*).

³ Md. Code Ann., Com Law § 14-3501 *et seq.*

⁴ Md. Code Ann., Com Law § 14-4401 *et seq.*

⁵ Md. Code Ann., Com Law § 14-3701 *et seq.*

Rather than identifying specific statutes, an approach that will account for both existing and future privacy-related statutes would be to identify the unit's jurisdiction by subject matter such as that set forth in Senate Bill 904 (2025):

THE PURPOSE OF THE UNIT IS TO PROTECT THE PRIVACY AND ONLINE SECURITY OF INDIVIDUALS' PERSONAL INFORMATION AND THE INDIVIDUALS' DIGITAL RIGHTS AND TO PROTECT THE PUBLIC FROM UNFAIR, ABUSIVE, OR DECEPTIVE PRACTICES INVOLVING ARTIFICIAL INTELLIGENCE, CYBERSECURITY, AND OTHER ONLINE OR DIGITAL PRIVACY ISSUES.

To that end the OAG offers the following amendments:

- Establish a dedicated funding source to support privacy enforcement, which would require at least 5 attorneys, 2 technologists, 2 investigators, and 1 administrative professional;
- Replace the definition of "violation" (page 1, line 21-page 2, lines 1-3) which identifies specific statutes, with subject-matter jurisdiction: "enforcement of any state or federal law involving privacy, technology, cybersecurity, artificial intelligence or other online products or services."
- Link the unit to the Consumer Protection Division to ensure that the Division's established authority carries through to the unit.

We urge the Senate Finance Committee to issue a favorable report of SB 564 with the amendments discussed.

Cc: Senator Dawn Gile
Senator Sara Love
Members, Finance Committee

Appendix A



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**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

March 5, 2025

TO: The Honorable Guy Guzzone, Chair
Budget and Taxation Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 904– Data Brokers – Registry and Gross Income Tax (Building Information
Guardrails Data Act of 2025) (SUPPORT WITH AMENDMENT)

The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 904 (“SB 904”), sponsored by Senators Hester, Ferguson, Love, Gile, Jackson, and Rosapepe with amendments. Senate Bill 904 creates a data broker registry and tax and establishes a Privacy Protection and Enforcement Unit in the Consumer Protection Division of the Office of the Attorney General.

Privacy Protection and Enforcement Unit

Senate Bill 904 creates a Privacy Protection and Enforcement Unit. In 2024, the General Assembly passed two privacy/tech related statutes: the Maryland Online Data Privacy Act (“MODPA”) and the Maryland Age-Appropriate Design Code. The sole enforcement mechanism provided in those statutes is the Office of the Attorney General; there is no private right of action. This session the legislature is considering significant legislation to regulate artificial intelligence, algorithms, and other technologies.

The Office of the Attorney General needs staff with specialized knowledge of technology and the technology industry to protect Marylanders from privacy harms. Without resources, these statutes will remain hollow rather than provide the robust protections the legislature intended. The Office’s staffing needs were crafted considering the unit’s enforcement and education responsibilities as well as headcounts in privacy units in states that have already enacted comprehensive privacy legislation and are similar in size to Maryland.

Amendments

The Division believes that the following amendment to SB 904 is warranted:

- Page 4, line 1 should be amended to read: “(i) The Maryland Online Data Privacy Act; (ii) the Maryland Personal Information Protection Act; (iii) the Maryland Age-Appropriate Design Code Act”

It should also be noted that although “brokered personal data” is defined to include categorizing or organizing for sale or licensing to another entity “biometric information,” MODPA prohibits the sale of biometric data. Commercial Law Article § 14-4607.

Accordingly, we urge the Budget and Taxation Committee to issue a favorable report on SB 904 with the amendments discussed.

cc: Members, Budget and Taxation Committee
The Honorable Katie Fry Hester
The Honorable Bill Ferguson
The Honorable Sara Love
The Honorable Dawn D. Gile
The Honorable Michael A. Jackson
The Honorable Jim Rosapepe