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February 26, 2026

TO: The Honorable Pamela Beidle, Chair
Finance Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 504 – Data Privacy – Consumer Data, Public Records, and
Message Switching System (Data Privacy Act) – Letter of Concern

The Consumer Protection Division of the Office of the Attorney General supports the objective of Senate Bill 504 (“SB 504”), sponsored by Senator Lam, but has reservations about the statutory mechanism used to achieve that goal. Senate Bill 504 amends the Maryland Online Data Privacy Act (“MODPA”) to create a new category of sensitive attributes and prohibits the sale of sensitive data and other uses for immigration enforcement purposes.¹

The Division has concerns about the proposed amendment to MODPA creating a category of “sensitive attributes” that is not utilized in the substantive provisions of the MODPA, thereby creating an unnecessary complexity in the statutory framework. Additionally, the Division is concerned about the structural intertwining of the proposed prohibition on the sale of sensitive data for immigration enforcement purposes with the existing prohibitions on the sale of children’s data. The protections provided to children and the accompanying knowledge standard should remain standalone provisions.

The Division has spoken to the proponents of SB 504’s cross-file about our concerns and urges the Finance Committee to consider these concerns in evaluating SB 504.

cc: Senator Clarence K. Lam
Members, Finance Committee

¹ The Division’s testimony is limited to the MODPA provisions of SB 504.