

Meeting Minutes
Maryland Cybersecurity Council
Subcommittee on Law, Policy, and Legislation
Friday, October 9, 2020
1:00 pm 2:30 pm
Virtual Meeting

Attendance (Quorum Present, 8/9)

Subcommittee members attending: Senator Susan Lee and Blair Levin (co-chairs), Patrice Drago for Delegate Ned Carey, Howard Feldman, Joseph Morales, Markus Rauschecker (for Professor Michael Greenberger), Paul Tiao, and Pegeen Townsend.

Staff: Hanna Abrams (Assistant Attorney General, Consumer Protection Division), Howard Barr (Assistant Attorney General and General Counsel, DoIT), Michael Lore (Chief of Staff, Office of Senator Lee), Steve Sakamoto-Wendel (Consumer Protection Counsel for Regulation, Legislation and Policy, Consumer Protection Division) and Dr. Greg von Lehmen (Staff, Maryland Cybersecurity Council).

Members of the public: Chris DiPietro, Jenna Masson, Caitlin McDonough, Bernie Marczyk, Ellen Valentino.

Meeting Summary

1. Chairing and opening the meeting, Senator Lee thanked all for their attendance.
2. A quorum was announced. Minutes of the 02 October 2019 were called for and approved unanimously on motions made and seconded.
3. Senator Lee noted that the 2020 legislative session was challenging because it was ended in

higher education, counties, municipal corporations, school districts, and all other political subdivisions of the State

2020 SB 201/HB 237 (Commercial Law Personal Information Protection Act Revisions).

2020 SB 443 Consumer Protection Security Features for Connected Devices

Michael Lore noted that the bill is consistent with FTC guidelines.

Paul Tiao asked whether the bill covered industrial control devices as well as consumer products, whether there was grandfathering of products already on the market, and whether enforcement action would fall on the seller or the manufacturer. Michael Lore observed that the bill only pertains to consumer products, not to industrial control devices. Senator Lee noted that enforcement action would fall on the manufacturer, not on the seller.

Mr. Tiao indicated that the bill would not only extend some protection to the consumer but might also diminish botnets and have larger social benefits. Given that California enacted a similar law, Mr. Tiao suggested that it would be beneficial to know their experience with it.

Senator Lee observed, as did Patrice Drago for Delegate Carey, that the Senate and House committee members last session did not understand the need for the bill. Both thought it would be useful to arrange a demonstration of how easy it is to hack IoT devices. Dr. von Lehmen was asked to explore whether that could be done.

2020 Fiscal Policy Note Summary of the bill
SB 443

connected device; (2) appropriate to the information the connected device collects, contains, or transmits; and (3) designed to protect the connected device from unauthorized access, destruction, or modification. A connected device is considered to have a reasonable security feature if it meets these requirements and is equipped with a means for authentication outside of a local area network that includes either (1) a preprogrammed password that is unique to each connected device or (2) a process that requires the user to generate a new means of authentication before the user is granted access for the first time. Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer

SB 30/HB 215 (Criminal Law Crimes Involving Computers Ransomware)

Senator Lee observed that the surge in ransomware attacks this year makes the bill more

2020 SB 957 (Maryland Online Consumer Protection Act (MCPA))

Senator Lee emphasized that she would like to get input regarding changes to the bill from all interested parties. Michael Lore observed that the discussion that had begun last session was very helpful. He hoped to pick up where they had left off. Every input is important. He would like to have more feedback from the clients of lobbyists about what is concerning about the bill, why, and ideas about how those concerns could be met.

2020 Fiscal Policy Note Summary

This bill establishes numerous personal information privacy rights for consumers in the State. Specifically, the bill establishes for consumers the right to (1) know whether (and