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Meeting Summary  
Subcommittee on Law, Policy and Legislation  
June 5, 2018  
11:00 am – 1:00 pm  
UMUC Inn and Conference Center (Room 3114)  
3501 University Boulevard East  
Hyattsville, Maryland

Attendance

*Subcommittee members attending:* Senator Susan Lee (co-chair), Markus Rauschecker, Howard Feldman, Paul Tiao, Joseph Morales and Pegeen Townsend. Quorum: Yes (6/9).

*Staff attending:* Howard Bar (Assistant Attorney General and Chief Counsel, DoIT), Michael Lore, Esq (Chief of Staff for Senator Susan Lee) and Dr. Greg von Lehmen (Staff, Maryland Cybersecurity Council)

Meeting Summary:

1. Welcome by Senator Lee
2. Discussion of 2018 Session:
  - Successful bills: SB 202/HB 710 (Credit Report Security Freezes), SB 204 (Maryland Cybersecurity Scholarship for Service Program), HB 281 (Securing the Future: Cybersecurity Education for All), SB 228 (Cybersecurity Investment Tax Credit), and SB 281 (Maryland Cybersecurity Membership – Revision)
  - Unsuccessful bills: SB 376/HB 456 (Cyber Intrusion and Ransomware), SB 882 (Telecommunications and Computer Network Access).
3. Discussion of work for remainder of 2018:
  - Draft revised ransomware bill. Two approaches discussed: including ransomware in computer intrusion legislation, or ala Michigan, making possession of ransomware per se illegal with appropriate carveouts (e.g. protecting ransomware research). See Michigan Public Act 95, <http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0095.pdf>, and the background article, <https://statescoop.com/possession-of-ransomware-is-now-a-crime-in-michigan>
  - Draft a bill requiring ISPs to obtain affirmative consumer consent before sharing browser history (Council 2017 Recommendation 3). This may be a first step toward a similar requirement that would apply to data brokers. See FTC report on data brokers at: <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf>
  - Draft amendment to MPIPA to add geolocation and perhaps other attributes to the class of PII protected by the statute.
  - Draft updates to state breach law to align it with changes in MPIPA.

- Defer action on the bill pertaining to state procurement of IoT and security requirements. Due to the complexity of defining IoT, the subcommittee will continue to research the topic, with reference to NIST publications and discussion with SMEs. Subcommittee discussed structuring a bill to create procurement incentives for the products of firms incorporating enhanced security.
- Propose net neutrality as a cybersecurity issue for the Council. The subcommittee is mindful of the cybersecurity implications of repealing net neutrality for consumers. These implications have been covered in the media—e.g. Politico (<https://www.politico.com/newsletters/morning-cybersecurity/2017/12/12/how-net-neutrality-repeal-might-affect-cybersecurity-048738>)and SC Magazine (<https://www.scmagazine.com/fcc-votes-to-repeal-net-neutrality-could-increase-cybersecurity-threats/article/718769/>)

4. The subcommittee adjourned at 12:45 pm