

HB 3127 A STAFF MEASURE SUMMARY

Carrier: Sen. Knopp, Sen. Woods

Senate Committee On Veterans, Emergency Management, Federal and World Affairs

Action Date: 04/27/23
Action: Do pass the A-Eng bill.
Vote: 3-0-2-0
Yeas: 3 - Manning Jr, Thatcher, Woods
Exc: 2 - Gorsek, Linthicum
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Beverly Schoonover, LPRO Analyst
Meeting Dates: 4/25, 4/27

WHAT THE MEASURE DOES:

Prohibits the installation, download and use of certain software, hardware and services from specific vendors onto state information technology assets. Identifies covered products and vendors. Directs the State Chief Information Officer to adopt rules and processes for assessing whether corporate entities pose or do not pose a threat to national security and may designate additional covered vendors to these prohibitions. Requires state agencies to remove these products if installed or downloaded and implement measures necessary to prevent further installation, download or use of these products on state assets. Permits state agencies to download, install, use or access these products for carrying out investigatory, regulatory or law enforcement activities; requires risk mitigation standards and procedures for such use. Directs State Chief Information Officer to coordinate with and oversee state agencies to implement measure. Outlines rulemaking requirements for State Chief Information Officer. Applies provisions of measure to State Treasury and Office of Secretary of State. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- State and national security concerns
- Potential access of user data
- Foreign government ownership of shares in technology companies

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The federal Consolidated Appropriations Act of 2023 (P.L. 117-328), incorporated S. 1143, also known as the “No TikTok on Government Devices Act” which directed the Office of Management and Budget (OMB) and national security agencies to develop standards and guidelines to remove the video hosting platform TikTok from federal information technology. On February 23, 2023, OMB sent a memorandum to all federal agencies directing TikTok be removed from federal technology within 30 days; the measure did include exceptions for national security, law enforcement, and security research use. Currently, 27 states have enacted legislation or administrative orders to block the use of TikTok on state technology devices.

TikTok is an online hosting service for short-form videos and is owned by ByteDance Ltd., an internet technology company located in Beijing, China. Leadership at the Federal Bureau of Investigation and the Federal Communications Commission have voiced concerns about the safety and security of TikTok, and similar products, regarding user data collection and data sharing.

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House Bill 3127 A prohibits the installation, download or use of software, hardware or services from specific vendors onto state information technology assets, including such programs as TikTok. It requires the state to remove existing installations and downloads of these products and implement all measures necessary to prevent further installation, download or use of these products on state information technology assets. The measure does include an exception for state agencies that use the products of these vendors for carrying out law enforcement activities and requires these agencies adopt risk mitigation standards and procedures. The State Chief Information Officer is directed to adopt rules and processes for assessing whether corporate entities pose or do not pose a threat to national security and may designate additional covered vendors to these prohibitions.