

HOUSE BILL 1141

S1, P3

3lr2703

By: Delegates Munoz, Arentz, Baker, Buckel, Charles, Chisholm, Ghrist, Grammer, Griffith, Hartman, Howard, Kipke, McComas, Metzgar, Miller, T. Morgan, Nawrocki, Pasteur, Phillips, Rogers, Schmidt, Szeliga, Taylor, Toles, Valentine, Vogel, and Williams Williams, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kerr, R. Lewis, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, White, and Woods

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **State Information Technology – ~~Social Media Applications – TikTok Prohibition~~**
3 **Prohibited Applications and Websites**

4 FOR the purpose of prohibiting ~~a certain social media application from being installed or~~
5 maintained certain applications from being used and certain websites from being
6 accessed by certain employees, agents, or entities on any information technology
7 owned or leased by a unit of State government; requiring the Department of Budget
8 and Management, in collaboration with the Department of Information Technology,
9 to prepare guidance for units of State government to remove from and prohibit the
10 use of ~~a certain social media application~~ and access to certain applications and
11 websites on information technology owned or leased by the unit; and generally
12 relating to ~~social media~~ applications, websites, and State information technology.

13 BY adding to

14 Article – State Finance and Procurement

15 Section 3.5–801 to be under the new subtitle “Subtitle 8. ~~Social Media Applications~~
16 Prohibited Applications and Websites”

17 Annotated Code of Maryland

18 (2021 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – State Finance and Procurement

SUBTITLE 8. ~~SOCIAL MEDIA APPLICATIONS~~ PROHIBITED APPLICATIONS AND WEBSITES.

3.5–801.

~~(A) IN THIS SECTION, “INFORMATION TECHNOLOGY” HAS THE MEANING~~

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BYTEDANCE LTD.” MEANS THE CHINESE INTERNET TECHNOLOGY COMPANY FOUNDED BY ZHANG YIMING AND LIANG RUBO IN 2012, AND ANY SUCCESSOR COMPANY OR ENTITY OWNED BY THE COMPANY.

(3) “INFORMATION TECHNOLOGY” HAS THE MEANING STATED IN § 3.5–301 OF THIS TITLE.

(4) “TENCENT HOLDINGS LTD.” MEANS THE CHINESE MULTINATIONAL TECHNOLOGY AND ENTERTAINMENT CONGLOMERATE AND HOLDING COMPANY HEADQUARTERED IN SHENZHEN, CHINA, AND ANY SUCCESSOR COMPANY OR ENTITY OWNED BY THE COMPANY.

(5) “TIKTOK” MEANS THE VIDEO-SHARING APPLICATION DEVELOPED BY BYTEDANCE LTD. THAT HOSTS USER-SUBMITTED VIDEOS.

(6) “WECHAT” MEANS THE MULTIPURPOSE SOCIAL MEDIA, MESSAGING, AND PAYMENT APPLICATION DEVELOPED BY TENCENT HOLDINGS LTD.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ~~A UNIT OF STATE GOVERNMENT MAY NOT ALLOW THE SOCIAL MEDIA APPLICATION TIKTOK TO BE INSTALLED OR MAINTAINED ON ANY INFORMATION TECHNOLOGY OWNED BY THE UNIT~~ AN EMPLOYEE OR AGENT OF A UNIT OR AN ENTITY CONTRACTING WITH A UNIT MAY NOT DOWNLOAD OR USE ANY APPLICATION, INCLUDING TIKTOK OR WECHAT, OR ACCESS ANY WEBSITE DEVELOPED BY BYTEDANCE LTD. OR TENCENT HOLDINGS LTD.:

(1) ON ANY INFORMATION TECHNOLOGY OWNED OR LEASED BY THE UNIT; OR

1 **(2) WHILE CONNECTED TO ANY WIRED OR WIRELESS INTERNET**
2 **NETWORK OWNED, OPERATED, OR MAINTAINED BY THE STATE.**

3 **(C) THIS SECTION DOES NOT APPLY WHERE THE USE OF THE SOCIAL MEDIA**
4 **APPLICATION ~~TIKTOK~~ OR ACCESS TO THE WEBSITE IS NECESSARY FOR:**

5 **(1) LAW ENFORCEMENT ACTIVITIES;**

6 **(2) PROTECTING NATIONAL SECURITY; OR**

7 **(3) RESEARCH ON SECURITY PRACTICES.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
9 2023, the Department of Budget and Management, in collaboration with the Department
10 of Information Technology, shall publish guidelines to assist units of State government in:

11 (1) ~~removing the social media application TikTok and preventing access to~~
12 applications and websites prohibited under § 3.5–801 of the State Finance and Procurement
13 Article, as enacted by Section 1 of this Act, from information technology owned and leased
14 by the unit;

15 (2) maintaining an ongoing prohibition on ~~the social media application~~
16 TikTok prohibited applications and websites being installed or, maintained, or accessed on
17 any information technology owned and leased by the unit; and

18 (3) ~~permitting the installation and, maintenance, and access of the social~~
19 media application TikTok prohibited applications and websites where it is necessary for:

20 (i) law enforcement activities;

21 (ii) protecting national security; and

22 (iii) research on security practices.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2023.