

**Department of Legislative Services**  
 Maryland General Assembly  
 2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 792 (Senator Lam)  
 Finance

**Hospitals - Immigration Enforcement Action - Policy Requirement**

This bill requires the Health Services Cost Review Commission (HSCRC), in consultation with the Attorney General and the Maryland Hospital Association (MHA), to develop a model policy for hospitals addressing how a hospital must respond to immigration enforcement actions at the hospital, with consideration of patient privacy and the safety of patients, guests, and staff. By October 1, 2026, HSCRC must publish the model policy on its website. A hospital must adopt a policy describing the protocol of the hospital by the earlier of (1) January 1, 2027, or (2) three months after HSCRC publishes the model policy. A hospital must conspicuously post copies of the policy on the hospital’s website and provide annual training to all hospital staff members. The bill does not apply to a hospital operated by a unit of State or local government required to implement a policy consistent with the guidance of the Attorney General, as specified. **The bill takes effect June 1, 2026.**

**Fiscal Summary**

**State Effect:** No effect in FY 2026. HSCRC special fund expenditures increase by as much as \$200,000 in FY 2027 for consultant services, as discussed below. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	200,000	0	0	0	0
Net Effect	(\$200,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill does not directly affect local governmental operations or finances.

**Small Business Effect:** None.

## Analysis

**Current Law:** HSCRC is an independent commission within the Maryland Department of Health established to contain hospital costs, maintain fairness in hospital payment, provide access to hospital care, and disclose information on the operation of hospitals in the State. HSCRC was responsible for implementing the Total Cost of Care Model, the successor to the Maryland All-Payer Model Contract and will implement the Achieving Healthcare Efficiency through Accountable Design (AHEAD) Model from 2026 to 2034 to continue statewide efforts to improve health care quality and control costs.

### *Immigration Enforcement*

While immigration is controlled by federal law, the U.S. Immigration, Customs, and Enforcement Division (ICE) and Department of Homeland Security have initiated numerous programs that involve state and local law enforcement agencies as allies and additional resources. For example, the Criminal Alien Program (CAP) supports ICE Enforcement and Removal Operations in executing its mission through the arrest and removal of undocumented immigrants who threaten the safety of the nation's communities and the integrity of U.S. immigration laws. CAP focuses on the identification, arrest, and removal of incarcerated undocumented immigrants at federal, state, and local levels, as well as at-large criminal undocumented immigrants.

Federal law does not mandate that state and local law enforcement agencies become involved in immigration efforts. However, federal law does prohibit a state or local government from prohibiting or in any way restricting any government entity or official from sending to or receiving from ICE information regarding the citizenship or immigration status, lawful or unlawful, of any individual. It also prohibits restrictions on any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual: (1) sending such information to, or requesting or receiving such information from, ICE; (2) maintaining such information; or (3) exchanging such information with any other federal, state, or local government authority.

### *Immigration Enforcement in Sensitive Locations*

Chapter 718 of 2025 requires (1) a federal law enforcement officer to notify specified individuals regarding a federal immigration enforcement action at a "sensitive location" and (2) a public school, a public library, or a unit of the Executive Branch of State or local government that operates at a sensitive location to deny access to any portion of the sensitive location that is not accessible to the general public to any individual seeking to enforce federal immigration law, unless the individual presents a valid judicial warrant or

exigent circumstances exist (without applicability to a State or local correctional facility or a detention facility in a District Court or circuit court location).

*Attorney General Guidance:* Chapter 718 also requires the Attorney General to develop and publish [guidance](#) that informs the public and relevant State agencies about:

- delineating between immigration enforcement within the public portions of sensitive locations and the nonpublic or private portions of sensitive locations;
- verifying the identity of immigration enforcement agents and validating immigration enforcement documentation seeking specific individuals;
- limiting liability exposure for State, local, and private institutions and the participation of the employees of those institutions in immigration enforcement at sensitive locations;
- facilitating relationships between federal law enforcement officers and State and local officials and law enforcement officers in order to conduct immigration enforcement activities through the least dangerous and disruptive means; and
- complying with existing legal obligations and limitations on State and local agencies while maintaining public safety and accessibility to those agencies.

Private entities are encouraged to adopt policies consistent with the guidance developed by the Attorney General if the private entities provide services related to (1) physical or mental health; (2) education; (3) shelter care; or (4) access to justice.

The required guidance and policies are not subject to the Administrative Procedure Act under Title 10, Subtitles 1, 2, and 3 of the State Government Article.

*Governmental Entity Procedures:* Pursuant to Chapter 718, each public school, public library, and unit of the Executive Branch of State or local government that operates a sensitive location must implement a policy consistent with the guidance issued by the Attorney General.

By July 1, 2026, each governmental entity must (1) in consultation with the Department of Information Technology, develop and publish procedures that prevent the sale and redisclosure of personal records and geolocation data provided or made available by the governmental entity in a way that harms the privacy of residents of the State and (2) submit a copy of the procedures developed to the General Assembly. The procedures must specifically address:

- any possible contractual limitations on the sale or redisclosure of personal records or geolocation data that a governmental entity may place on a person who receives

- personal records or geolocation data that are provided or made available by the governmental entity;
- considerations regarding (1) the threat to privacy posed by data brokers who utilize personal records or geolocation data for commercial purposes; (2) the risk that personal records or geolocation data may be used for purposes other than the purposes for which the personal records or geolocation data were developed or collected; and (3) geolocation, genetic, and other sensitive data; and
  - any other considerations necessary to (1) protect the privacy of residents of the State; (2) discourage the development of a secondary commercial market for personal records or geolocation data that are provided or made available by a governmental entity; and (3) limit a person who receives personal records or geolocation data that are provided or made available by a governmental entity from selling or redisclosing the data with other persons.

“Sensitive location” means:

- a public school;
- a public library;
- a health care facility operated by a unit of State or local government;
- a facility operated by the Comptroller;
- a courthouse; or
- any other location that (1) provides State-funded services related to physical or mental health, education, shelter care, or access to justice and (2) as determined by the Attorney General, requires special consideration for immigration enforcement activities.

In January 2025, the Office of the Attorney General (OAG) released immigration enforcement [guidance](#) for Maryland health care providers.

**State Fiscal Effect:** The bill requires HSCRC, in consultation with the Attorney General and MHA, to develop a model policy addressing how a hospital must respond to immigration enforcement actions at the hospital. By October 1, 2026, HSCRC must public the model policy on its website.

HSCRC advises that commission staff do not possess the expertise required to develop a model immigration enforcement policy and that consultant services are required to meet the bill’s requirements. Therefore, HSCRC special fund expenditures increase by as much as \$200,000 in fiscal 2027 only for consultant services to develop the model policy.

The Department of Legislative Services notes, however, that consultant services may be less than estimated above, as the bill requires HSCRC to consult with MHA and the

Attorney General. As mentioned above, in January 2025, OAG released immigration enforcement guidance for Maryland health care providers. Although this guidance may not specifically meet the bill's requirements for the model policy, HSCRC can likely utilize the expertise of OAG and MHA and limit the consultant services needed.

**Additional Comments:** HSCRC advises that the development of a model immigration enforcement policy may take between 12 to 18 months, and it is unlikely that the policy will be developed by the bill's October 1, 2026 deadline.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Prince George's County; Office of the Attorney General; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 9, 2026  
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