

HOUSE BILL 1623

P3, P1

8lr3112
CF SB 929

By: **Delegates J. Lewis, Valentino-Smith, Barron, Hettleman, Pena-Melnyk, Sanchez, Sydnor, and Tarlau**

Introduced and read first time: February 9, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Policies, Guidelines, and Regulations – Mitigation of Disparate Impacts**

3 FOR the purpose of requiring certain principal departments to develop and implement a
4 procedure for determining whether the adoption of a policy, guideline, or regulation
5 by the department would have or has had a disparate impact on racial minorities
6 and for mitigating the disparate impact; requiring that the procedure include a
7 certain framework, certain indicators, data collection and reporting, and certain staff
8 training; authorizing the departments to hire staff or consultants using certain
9 resources to implement this Act; requiring the departments to report to the
10 Department of Budget and Management and to certain committees of the General
11 Assembly on or before a certain date each year; defining a certain term; and generally
12 relating to the mitigation of disparate impacts caused by State policies, guidelines,
13 and regulations.

14 BY adding to

15 Article – State Government
16 Section 10–1701 to be under the new subtitle “Subtitle 17. State Policies, Guidelines,
17 and Regulations – Mitigation of Disparate Impacts”
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2017 Supplement)

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

22 **Article – State Government**

23 **SUBTITLE 17. STATE POLICIES, GUIDELINES, AND REGULATIONS – MITIGATION**
24 **OF DISPARATE IMPACTS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-1701.**

2 (A) IN THIS SECTION, "DEPARTMENT" MEANS:

3 (1) THE STATE DEPARTMENT OF EDUCATION;

4 (2) THE MARYLAND DEPARTMENT OF HEALTH;

5 (3) THE DEPARTMENT OF HOUSING AND COMMUNITY
6 DEVELOPMENT;

7 (4) THE DEPARTMENT OF HUMAN SERVICES; OR

8 (5) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
9 SERVICES.

10 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, EACH DEPARTMENT
11 SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR:

12 (1) DETERMINING WHETHER THE ADOPTION OF A POLICY,
13 GUIDELINE, OR REGULATION BY THE DEPARTMENT WOULD HAVE OR HAS HAD A
14 DISPARATE IMPACT ON RACIAL MINORITIES; AND

15 (2) MITIGATING ANY DISPARATE IMPACT.

16 (C) THE PROCEDURE ADOPTED UNDER SUBSECTION (B) OF THIS SECTION
17 SHALL INCLUDE:

18 (1) A RACIAL EQUITY FRAMEWORK THAT INCLUDES AN EQUITY LENS;

19 (2) RACIAL DISPARITY INDICATORS;

20 (3) DATA COLLECTION AND REPORTING; AND

21 (4) STAFF TRAINING IN RACIAL EQUITY, CULTURAL COMPETENCE,
22 AND IMPLICIT BIAS.

23 (D) A DEPARTMENT MAY HIRE STAFF OR CONSULTANTS USING EXISTING
24 RESOURCES TO IMPLEMENT THIS SECTION.

25 (E) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH DEPARTMENT SHALL
26 REPORT TO THE DEPARTMENT OF BUDGET AND MANAGEMENT AND, IN
27 ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, THE SENATE BUDGET AND

1 TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE
2 IMPLEMENTATION OF THIS SECTION, INCLUDING ANY CHANGES TO POLICIES,
3 GUIDELINES, OR REGULATIONS THAT WERE MADE BY THE DEPARTMENT TO
4 MITIGATE ANY DISPARATE IMPACTS ON RACIAL MINORITIES.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2018.