

HOUSE BILL 1283

J5, C4, J4

4lr1854

By: **Delegates Martinez, Acevero, Bagnall, Cullison, Fair, Fennell, Foley, Kaiser,
R. Lewis, Roberts, Taylor, and Vogel**

Introduced and read first time: February 9, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Insurance – Discrimination – Sexual Orientation and Gender Identity**

3 FOR the purpose of prohibiting discrimination based on an individual’s sexual orientation
4 or gender identity by an insurer, an insurance producer, a surety insurer, and a
5 health network when engaging in certain insurance–related business practices; and
6 generally relating to discrimination based on sexual orientation and gender identity
7 and insurance.

8 BY repealing and reenacting, without amendments,

9 Article – Insurance

10 Section 15–1A–22

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Insurance

15 Section 27–501(a)(1) and (b), 27–502(a), (b), and (e), 27–503(d), and 27–910(b)

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Insurance**

21 15–1A–22.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Gender identity” has the meaning stated in § 20–101 of the State

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Government Article.

2 (3) "Sexual orientation" has the meaning stated in § 20–101 of the State
3 Government Article.

4 (b) This section does not prohibit a carrier from refusing, withholding, or denying
5 coverage under a health benefit plan to any individual for failure to conform to the usual
6 and regular requirements, standards, and regulations of the carrier, unless the denial is
7 based on discrimination on the grounds of race, sex, color, creed, national origin, marital
8 status, sexual orientation, age, gender identity, or disability.

9 (c) This section does not apply to limitations or restrictions related to age or
10 marital status that are specifically authorized or required under this article to limit or
11 restrict eligibility for insurance coverage or benefits.

12 (d) A carrier may not refuse, withhold, or deny any individual coverage under a
13 health benefit plan offered by the carrier or otherwise discriminate against any individual
14 because of the individual's race, sex, creed, color, national origin, marital status, sexual
15 orientation, age, gender identity, or disability.

16 (e) The Commission on Civil Rights shall enforce the provisions of this section as
17 provided for in § 2–202 of this article.

18 27–501.

19 (a) (1) An insurer or insurance producer may not cancel or refuse to
20 underwrite or renew a particular insurance risk or class of risk for a reason based wholly
21 or partly on race, color, creed, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**, or
22 blindness of an applicant or policyholder or for any arbitrary, capricious, or unfairly
23 discriminatory reason.

24 (b) (1) An insurer may not require special conditions, facts, or situations as a
25 condition to its acceptance or renewal of a particular insurance risk or class of risks in an
26 arbitrary, capricious, unfair, or discriminatory manner based wholly or partly on race,
27 creed, color, sex, **SEXUAL ORIENTATION, GENDER IDENTITY**, religion, national origin,
28 place of residency, blindness, or other physical handicap or disability.

29 (2) Actuarial justification may be considered with respect to sex.

30 27–502.

31 (a) A surety insurer may not cancel or refuse to issue or renew a surety bond for
32 a reason based wholly or partly on race, color, creed, sex, **SEXUAL ORIENTATION, GENDER**
33 **IDENTITY**, or physical handicap or disability of an applicant or principal or for any other
34 arbitrary, capricious, or unfairly discriminatory reason.

35 (b) A surety insurer may not require special conditions, facts, or situations as a

1 condition to its acceptance or renewal of a particular surety risk in an arbitrary, capricious,
2 unfair, or discriminatory manner based wholly or partly on race, creed, color, sex, **SEXUAL**
3 **ORIENTATION, GENDER IDENTITY**, religion, national origin, place of residence, or
4 physical handicap or disability.

5 (e) (1) A person aggrieved under this section shall notify the Commissioner in
6 writing within 30 days after the occurrence giving rise to the complaint and shall state the
7 facts giving rise to the complaint.

8 (2) On receipt of a complaint, the Commissioner shall forward a copy of the
9 complaint to the surety insurer.

10 (3) If the Commissioner finds that the complaint is without merit, the
11 Commissioner shall dismiss the complaint without a hearing and shall notify the surety
12 insurer and complainant promptly in writing.

13 (4) If the complaint is not dismissed without a hearing, the Commissioner
14 shall:

15 (i) hold a hearing on the complaint within 30 days after receipt of
16 the complaint; and

17 (ii) give written notice of the time and place of the hearing to all
18 parties at least 10 days before the hearing.

19 (5) At a hearing to determine whether this section has been violated, the
20 burden of persuasion is on the surety insurer to show that the cancellation or refusal to
21 underwrite or renew is not based wholly or partly on race, color, creed, sex, **SEXUAL**
22 **ORIENTATION, GENDER IDENTITY**, or physical handicap or disability of an applicant or
23 principal or for any unfairly discriminatory reason.

24 (6) If, after the hearing, the Commissioner finds that the surety insurer
25 has violated this section, the Commissioner may issue an appropriate order that:

26 (i) states the manner in which the surety insurer has violated this
27 section;

28 (ii) provides relief under subsection (g) or (h) of this section; and

29 (iii) states when, within a reasonable period but not less than 10 days
30 after the hearing, the order shall be effective.

31 27-503.

32 (d) Notwithstanding any other provision of this section, an insurer may not cancel
33 or amend a written agreement with an insurance producer or refuse to accept business from
34 the insurance producer if the cancellation, amendment, or refusal is arbitrary, capricious,

1 unfair, or discriminatory or is based wholly or partly on the race, creed, color, sex, **SEXUAL**
2 **ORIENTATION, GENDER IDENTITY**, religion, national origin, or place of residency of the
3 insurance producer or the applicants or policyholders of the insurance producer.

4 27–910.

5 (b) A health network may not deny health care services to an enrollee on the basis
6 of gender, **SEXUAL ORIENTATION, GENDER IDENTITY**, race, age, religion, national origin,
7 or a protected category under the Americans with Disabilities Act.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2024.