

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE  
Revised

Senate Bill 205 (The President , *et al.*)  
(Administration)

Judicial Proceedings

Judiciary

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Antidiscrimination Act of 2001

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This Administration bill prohibits discrimination based on sexual orientation in public accommodations, labor and employment, and housing. The bill grants an employer immunity from liability arising out of the employer's reasonable acts to verify the sexual orientation of any employee or applicant taken by the employer in response to a charge filed against the employer on the basis of sexual orientation.

The bill exempts: (1) religious organizations, the Boy Scouts of America, and the Girl Scouts of America from provisions of the bill relating to employment discrimination; and (2) renters of rooms or apartments in an owner's principal residence from provisions of the bill relating to housing discrimination.

The bill specifies that it: (1) may not be construed to authorize or validate same-sex marriage; (2) may not be construed to require or prohibit an employer from offering health insurance benefits to unmarried domestic partners; (3) does not mandate that an educational institution promote any form of sexuality or sexual orientation or include such matters in its curriculum; and (4) is intended to ensure specific defined rights and not to endorse or confer legislative approval of any form of sexual behavior.

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Fiscal Summary

**State Effect:** Although the bill may result in additional cases for the Judiciary, the Human Relations Commission, and the Office of Administrative Hearings, any increase in workload is expected to be minimal and could be absorbed within existing resources.

**Local Effect:** None.

**Small Business Effect:** A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

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## **Analysis**

**Current Law:** Discrimination in public accommodations, labor and employment, and housing on the basis of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap is prohibited.

**Background:** During the 2000 interim, the Governor established, by executive order, a 23-member Special Commission to Study Sexual Orientation in Maryland. The special commission held eight meetings and five public hearings around the State. This bill embodies the findings and conclusions of the special commission.

Several local jurisdictions, including Baltimore City and Howard, Montgomery, and Prince George's counties, have ordinances prohibiting discrimination on the basis of sexual orientation. Eleven states (California, Connecticut, Hawaii, Massachusetts, Minnesota, New Hampshire, New Jersey, Nevada, Rhode Island, Vermont, and Wisconsin) and the District of Columbia currently have laws banning discrimination based on sexual orientation.

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## **Additional Information**

**Prior Introductions:** Substantially similar bills, HB 315 and SB 138 were introduced in the 1999 session. HB 315 passed the House and was referred to the Senate Judicial Proceedings Committee, where no further action was taken. SB 138 was not reported from the Judicial Proceedings Committee. Similar legislation was introduced in the 1993 through 1998 sessions. None of these bills passed.

**Cross File:** HB 307 (Delegate Hixson and the Speaker, *et al.*) – Judiciary.

**Information Source(s):** Human Relations Commission, Judiciary (Administrative Office of the Courts), Office of Administrative Hearings, Department of Legislative Services, Office of the Governor

**Fiscal Note History:** First Reader – March 8, 2001  
jm/jr Revised – Senate Third Reader – March 28, 2001

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