

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 574 (Delegates Owings and Cane)
Health and Government Operations

Public Facilities - Refusal of Service - Prohibition

This bill prohibits owners or operators of a bar, hotel, motel, restaurant, or tavern that is open to the public from refusing to serve an individual solely on the basis of the individual's mode of transportation, hairstyle, or style of dress. The prohibition does not apply when the individual's clothing contains profanity or obscenity or fits the individual in a way that is indecent or constitutes a health hazard to the premises of the owner. The bill also excludes a requirement of cleanliness, uniforms, or prescribed attire when uniformly applied for admittance to a place of public accommodation or to a class of employers for a customary or reasonable business purpose. The bill also provides that an owner is liable in a civil action to a complainant for an amount ranging from \$100 to \$2,500, depending on the number of times the owner has previously violated the provisions of the bill.

The bill is effective June 1, 2003.

Fiscal Summary

State Effect: Any additional workload for the Consumer Protection Division and the Human Relations Commission could be handled with existing resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Article 49B prohibits an owner or operator of a public accommodation, or agent or employee, from refusing, withholding from, or denying any of the accommodations, advantages, facilities, or privileges of such place of accommodation because of race, creed, sex, age, color, national origin, marital status, sexual orientation, or disability of any person.

Additional Information

Prior Introductions: HB 1182 of 2002, an identical bill, received an unfavorable report from the House Commerce and Government Matters Committee. A similar bill, SB 762 of 2001, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Human Relations Commission, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2003
lc/jr

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