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April 4, 2007

The Honorable Martin J. O'Malley  
Governor of Maryland  
State House  
Annapolis, Maryland 21401-1991

**RE: Senate Bill 104**

Dear Governor:

We have reviewed and hereby approve the constitutionality and legal sufficiency of Senate Bill 104 which establishes a Maryland Life Sciences Advisory Board whose "composition shall reflect the race and gender diversity of the population of the State,"

In the past, we have tended to regard such language as not mandating a racial or gender quota, but rather directing the appointing authority, to the extent practicable, to make appointments that reflect the State's population and makeup. *See* Bill Review Letter on House Bill 667, dated May 12, 2004, at n.1.<sup>1</sup>

In our view, this is the intent of the quoted language of Senate Bill 104. Construed as directory and aspirational, Senate Bill 104 does not deny equal protection or otherwise violate the federal and State Constitutions.

Sincerely,

Douglas G. Gansler  
Attorney General

cc: Joseph Bryce  
Secretary of State  
Karl Aro

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<sup>1</sup> *See also* Health General Article §19-2103 and Insurance Article §14-115.