

HB1120/476180/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1120

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Health Benefit Plans”; strike beginning with “altering” in line 4 down through “bases;” in line 5 and substitute “providing that the Secretary of Health or certain units of the Maryland Department of Health have exclusive jurisdiction to enforce certain laws by certain action; establishing that the Commission on Civil Rights and the Secretary or certain units have concurrent jurisdiction over certain discrimination; authorizing the Commission to take certain action when the Secretary or certain units have exclusive jurisdiction; requiring the Secretary or certain units to notify the Commission of certain hearings; requiring the Secretary or certain units to give the Commission certain information regarding certain complaints under certain circumstances; requiring the Secretary or certain units and the Commission to set certain guidelines;”; in line 9, after “persons” insert “, hospitals, and related institutions”; strike beginning with “prohibiting” in line 13 down through “bases;” in line 15; in line 16, strike “altering a certain definition;”; in line 17, strike “and persons providing health benefit plans”; and after line 17, insert:

“BY adding to

Article - Health - General

Section 2–1001 through 2–1004 to be under the new subtitle “Subtitle 10.

Prohibition on Discrimination”

Annotated Code of Maryland

(2019 Replacement Volume)”.

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 6 on page 2, inclusive.

AMENDMENT NO. 2

(Over)

On page 2, after line 9, insert:

“SUBTITLE 10. PROHIBITION ON DISCRIMINATION.

2-1001.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMISSION” MEANS THE COMMISSION ON CIVIL RIGHTS.

(C) “GENDER IDENTITY” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(D) “SEXUAL ORIENTATION” HAS THE MEANING STATED IN § 20-101 OF THE STATE GOVERNMENT ARTICLE.

(E) “UNIT OF THE DEPARTMENT” MEANS A UNIT DESCRIBED UNDER § 2-106 OF THIS TITLE.

2-1002.

IT IS THE POLICY OF THE STATE TO:

(1) PROVIDE AFFORDABLE HEALTH CARE THROUGHOUT THE STATE TO ALL REGARDLESS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY; AND

(2) PROHIBIT DISCRIMINATION WITH RESPECT TO THE PROVISION OF HEALTH CARE BY ANY PERSON, IN ORDER TO PROTECT AND ENSURE THE PEACE, HEALTH, SAFETY, PROSPERITY, AND GENERAL WELFARE OF ALL.

2-1003.

(A) (1) NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY OR A UNIT OF THE DEPARTMENT HAS EXCLUSIVE JURISDICTION TO ENFORCE BY ADMINISTRATIVE ACTION THE LAWS OF THE STATE AS PROVIDED FOR UNDER THIS ARTICLE AND THE HEALTH OCCUPATIONS ARTICLE.

(2) THE COMMISSION ON CIVIL RIGHTS HAS CONCURRENT JURISDICTION WITH THE SECRETARY OR A UNIT OF THE DEPARTMENT OVER ALLEGED DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(B) WHEN THE SECRETARY OR A UNIT OF THE DEPARTMENT HAS EXCLUSIVE JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION MAY:

(1) REFER COMPLAINTS ABOUT DISCRIMINATORY PRACTICES TO THE SECRETARY OR THE UNIT OF THE DEPARTMENT;

(2) APPEAR BEFORE THE SECRETARY OR THE UNIT OF THE DEPARTMENT AS A PARTY AT A HEARING ABOUT DISCRIMINATORY PRACTICES;

(Over)

(3) MAKE RECOMMENDATIONS ABOUT DISCRIMINATORY PRACTICES TO THE SECRETARY OR THE UNIT OF THE DEPARTMENT;

(4) REPRESENT A COMPLAINANT IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE OR THE HEALTH OCCUPATIONS ARTICLE THAT IS RELATED TO DISCRIMINATORY PRACTICES; OR

(5) APPEAL AS A PARTY AGGRIEVED BY AN ORDER OR DECISION OF THE SECRETARY OR THE UNIT OF THE DEPARTMENT IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE OR THE HEALTH OCCUPATIONS ARTICLE THAT IS RELATED TO DISCRIMINATORY PRACTICES.

(C) THE SECRETARY OR A UNIT OF THE DEPARTMENT SHALL NOTIFY THE COMMISSION OF ANY HEARING SCHEDULED ON A COMPLAINT ABOUT ALLEGED DISCRIMINATORY PRACTICES.

(D) ON REQUEST OF THE COMMISSION AND UNLESS THE COMPLAINANT OBJECTS, THE SECRETARY OR A UNIT OF THE DEPARTMENT SHALL GIVE THE COMMISSION ALL INFORMATION REGARDING ANY COMPLAINT ALLEGING DISCRIMINATORY PRACTICES RECEIVED BY THE SECRETARY OR UNIT OF THE DEPARTMENT.

(E) THE SECRETARY OR A UNIT OF THE DEPARTMENT AND THE COMMISSION SHALL SET GUIDELINES FOR DETERMINING WHEN ALLEGATIONS OF DISCRIMINATORY PRACTICES IN A COMPLAINT ARE SUFFICIENT TO WARRANT A HEARING.

(A) THIS SECTION DOES NOT PROHIBIT A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT OF THE DEPARTMENT FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED PERSON, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.

(B) A PERSON THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT IN THE DEPARTMENT MAY NOT DISCRIMINATE AGAINST ANY PERSON BECAUSE OF THE PERSON’S RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.”;

after line 12, insert:

“(B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL OR RELATED INSTITUTION THAT IS LICENSED OR OTHERWISE REGULATED BY THE DEPARTMENT OR A UNIT OF THE DEPARTMENT FROM REFUSING, WITHHOLDING FROM, OR DENYING ANY PERSON SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED HOSPITAL OR RELATED INSTITUTION, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.”;

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in lines 13 and 19, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively; strike beginning with “**REFUSE**” in line 13 down through “**OTHERWISE**” in line 14; and in line 18, strike “**GENETIC INFORMATION,**”.

On pages 2 through 4, strike in their entirety the lines beginning with line 21 on page 2 through line 36 on page 4, inclusive.