

SENATE BILL 768

O1

1r1832
CF 1r1645

By: **Senator Washington**

Introduced and read first time: February 5, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Nondiscrimination and LGBTQ+ Individuals**

3 FOR the purpose of stating that it is the policy of the State to provide equal access to various
4 courts, agencies, programs, departments, and services for certain individuals, to
5 improve safety, well-being, and stability for certain individuals, to ensure that
6 certain individuals are protected from discrimination on the basis of certain
7 nonmerit factors, to prohibit discrimination on the basis of certain nonmerit factors,
8 and to provide certain appropriate training to certain individuals; altering the rights
9 that a certain posted notice is required to include; prohibiting a contractor, grantee,
10 or other entity receiving public funds from engaging in certain discriminatory
11 behavior; and generally relating to nondiscrimination and LGBTQ+ individuals.

12 BY adding to

13 Article – Courts and Judicial Proceedings
14 Section 1–801 to be under the new subtitle “Subtitle 8. Nondiscrimination”
15 Annotated Code of Maryland
16 (2020 Replacement Volume)

17 BY adding to

18 Article – Family Law
19 Section 1–204
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2020 Supplement)

22 BY adding to

23 Article – Housing and Community Development
24 Section 2–401 to be under the new subtitle “Subtitle 4. Nondiscrimination”
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2020 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Human Services
2 Section 1–301 to be under the new subtitle “Subtitle 3. Nondiscrimination”
3 Annotated Code of Maryland
4 (2019 Replacement Volume and 2020 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article – Human Services
7 Section 8–707(a)
8 Annotated Code of Maryland
9 (2019 Replacement Volume and 2020 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Human Services
12 Section 8–707(b)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 20–901
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2020 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Courts and Judicial Proceedings**

23 **SUBTITLE 8. NONDISCRIMINATION.**

24 **1–801.**

25 **IT IS THE POLICY OF THE STATE TO:**

26 **(1) PROVIDE EQUAL ACCESS TO JUSTICE TO ALL IN COURTS OF**
27 **EQUITY THROUGHOUT THE STATE REGARDLESS OF RACE, COLOR, CREED,**
28 **RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION,**
29 **GENDER IDENTITY, OR DISABILITY;**

30 **(2) IMPROVE SAFETY, WELL-BEING, AND STABILITY FOR LESBIAN,**
31 **GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER**
32 **NONCONFORMING YOUTH SERVED BY OR ELIGIBLE TO BE SERVED BY THE COURT**
33 **SYSTEM;**

34 **(3) ENSURE THAT FAMILIES, KIN, AND PROSPECTIVE AND CURRENT**
35 **FOSTER AND ADOPTIVE PARENTS ARE PROTECTED FROM DISCRIMINATION ON THE**

1 BASIS OF NONMERIT FACTORS WHILE BENEFITTING FROM OR PARTICIPATING IN
2 SERVICES OF THE COURT SYSTEM;

3 (4) PROHIBIT DISCRIMINATION ON THE BASIS OF NONMERIT
4 FACTORS, INCLUDING RACE, COLOR, CREED, RELIGION, SEX, AGE, NATIONAL
5 ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR
6 DISABILITY IN THE ADMINISTRATION OF SERVICES OF THE COURT SYSTEM IN THE
7 STATE, INCLUDING ALL APPLICABLE OFFICES AND FUNCTIONS; AND

8 (5) PROVIDE APPROPRIATE TRAINING TO EMPLOYEES AND
9 CONTRACTORS OF THE COURT SYSTEM IN THE STATE REGARDING LESBIAN, GAY,
10 BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER NONCONFORMING
11 INDIVIDUALS.

12 Article – Family Law

13 1–204.

14 IT IS THE POLICY OF THE STATE TO:

15 (1) PROVIDE EQUAL ACCESS TO JUSTICE TO ALL IN COURTS OF
16 EQUITY, IN THE PROVISION OF CHILD AND FAMILY SERVICES, AND IN LOCAL
17 DEPARTMENTS THROUGHOUT THE STATE REGARDLESS OF RACE, COLOR, CREED,
18 RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION,
19 GENDER IDENTITY, OR DISABILITY;

20 (2) IMPROVE SAFETY, WELL-BEING, AND STABILITY FOR LESBIAN,
21 GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER
22 NONCONFORMING YOUTH SERVED BY OR ELIGIBLE TO BE SERVED BY THESE
23 SYSTEMS;

24 (3) ENSURE THAT FAMILIES, KIN, AND PROSPECTIVE AND CURRENT
25 FOSTER AND ADOPTIVE PARENTS ARE PROTECTED FROM DISCRIMINATION ON THE
26 BASIS OF NONMERIT FACTORS WHILE BENEFITTING FROM OR PARTICIPATING IN
27 SERVICES IN THE CHILD WELFARE SYSTEM;

28 (4) PROHIBIT DISCRIMINATION ON THE BASIS OF NONMERIT
29 FACTORS, INCLUDING RACE, COLOR, CREED, RELIGION, SEX, AGE, NATIONAL
30 ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR
31 DISABILITY IN THE ADMINISTRATION OF SERVICES IN THE CHILD WELFARE SYSTEM;
32 AND

33 (5) PROVIDE APPROPRIATE TRAINING TO EMPLOYEES AND
34 CONTRACTORS OF THE CHILD WELFARE SYSTEM REGARDING LESBIAN, GAY,

1 BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER NONCONFORMING
2 INDIVIDUALS.

3 **Article – Housing and Community Development**

4 **SUBTITLE 4. NONDISCRIMINATION.**

5 **2–401.**

6 **IT IS THE POLICY OF THE STATE TO:**

7 **(1) PROVIDE EQUAL ACCESS TO ALL IN HOUSING AND COMMUNITY**
8 **DEVELOPMENT PROGRAMS THROUGHOUT THE STATE REGARDLESS OF RACE,**
9 **COLOR, CREED, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL**
10 **ORIENTATION, GENDER IDENTITY, OR DISABILITY;**

11 **(2) IMPROVE SAFETY, WELL–BEING, AND STABILITY FOR LESBIAN,**
12 **GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER**
13 **NONCONFORMING YOUTH SERVED BY OR ELIGIBLE TO BE SERVED BY THESE**
14 **SYSTEMS;**

15 **(3) ENSURE THAT FAMILIES, KIN, AND PROSPECTIVE AND CURRENT**
16 **FOSTER AND ADOPTIVE PARENTS ARE PROTECTED FROM DISCRIMINATION ON THE**
17 **BASIS OF NONMERIT FACTORS WHILE BENEFITTING FROM OR PARTICIPATING IN**
18 **SERVICES IN THE HOUSING AND COMMUNITY DEVELOPMENT SYSTEM;**

19 **(4) PROHIBIT DISCRIMINATION ON THE BASIS OF NONMERIT**
20 **FACTORS, INCLUDING RACE, COLOR, CREED, RELIGION, SEX, AGE, NATIONAL**
21 **ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR**
22 **DISABILITY IN THE ADMINISTRATION OF SERVICES BY THE DEPARTMENT TO**
23 **INDIVIDUALS RECEIVING ASSISTANCE FROM THE STATE; AND**

24 **(5) PROVIDE APPROPRIATE TRAINING TO EMPLOYEES AND**
25 **CONTRACTORS OF THE HOUSING SYSTEM REGARDING LESBIAN, GAY, BISEXUAL,**
26 **TRANSGENDER, QUEER, QUESTIONING, AND GENDER NONCONFORMING**
27 **INDIVIDUALS.**

28 **Article – Human Services**

29 **SUBTITLE 3. NONDISCRIMINATION.**

30 **1–301.**

31 **IT IS THE POLICY OF THE STATE TO:**

1 **(1) PROVIDE EQUAL ACCESS TO ALL IN DEPARTMENT OF HUMAN**
2 **SERVICES AND DEPARTMENT OF JUVENILE SERVICES UNITS AND PROGRAMS**
3 **THROUGHOUT THE STATE REGARDLESS OF RACE, COLOR, CREED, RELIGION, SEX,**
4 **AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER**
5 **IDENTITY, OR DISABILITY;**

6 **(2) IMPROVE SAFETY, WELL-BEING, AND STABILITY FOR LESBIAN,**
7 **GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND GENDER**
8 **NONCONFORMING YOUTH SERVED BY OR ELIGIBLE TO BE SERVED BY THESE**
9 **SYSTEMS;**

10 **(3) ENSURE THAT FAMILIES, KIN, AND PROSPECTIVE AND CURRENT**
11 **FOSTER AND ADOPTIVE PARENTS ARE PROTECTED FROM DISCRIMINATION ON THE**
12 **BASIS OF NONMERIT FACTORS WHILE BENEFITTING FROM OR PARTICIPATING IN**
13 **SERVICES IN THE HUMAN SERVICES AND JUVENILE SERVICES SYSTEMS;**

14 **(4) PROHIBIT DISCRIMINATION ON THE BASIS OF NONMERIT**
15 **FACTORS, INCLUDING RACE, COLOR, CREED, RELIGION, SEX, AGE, NATIONAL**
16 **ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR**
17 **DISABILITY, IN THE ADMINISTRATION OF SERVICES BY THE DEPARTMENT OF**
18 **HUMAN SERVICES AND THE DEPARTMENT OF JUVENILE SERVICES TO INDIVIDUALS**
19 **RECEIVING ASSISTANCE FROM THE STATE; AND**

20 **(5) PROVIDE APPROPRIATE TRAINING TO EMPLOYEES AND**
21 **CONTRACTORS OF THE HUMAN SERVICES AND JUVENILE SERVICES SYSTEMS**
22 **REGARDING LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, QUESTIONING, AND**
23 **GENDER NONCONFORMING YOUTH.**

24 8-707.

25 (a) In this section, “residential child care program” includes sites licensed by the
26 Developmental Disabilities Administration.

27 (b) A contract awarded or renewed between an agency and a provider shall
28 require the provider to:

29 (1) post conspicuously a “Residents’ Bill of Rights” in the facility of the
30 provider stating that a resident has a right:

31 (i) to be treated with fairness, dignity, and respect;

32 (ii) to receive appropriate and reasonable adult guidance, support,
33 and supervision, consistent with the resident’s age and level of development;

1 (iii) not to be abused, mistreated, threatened, harassed, or subjected
2 to corporal punishment or to other unusual or extreme methods of discipline;

3 (iv) to have the resident's opinion heard and to be included, to the
4 greatest extent possible and consistent with the resident's age and level of development,
5 when major decisions, including regular case planning meetings, are being made affecting
6 the resident's life;

7 (v) to reasonable and clinically appropriate visitation, mail, and
8 telephone communication with relatives, friends, attorneys, social workers, therapists, and
9 guardians ad litem;

10 (vi) to have the resident's relatives and designated representatives,
11 who are authorized in writing by the contracting agency, to communicate with the facility
12 of the provider, ask questions of the facility of the provider, and have questions answered
13 promptly by the facility of the provider;

14 (vii) to language translation and interpretation services, if necessary;

15 (viii) not to be discriminated against on the basis of race, color,
16 religion, national origin, **CREED**, sex, age, marital status, personal appearance, sexual
17 orientation, **GENDER IDENTITY**, familial status, family responsibilities, matriculation,
18 political affiliation, disability, source of income, or place of residence or business; and

19 (ix) to an appropriate education, including educational supports such
20 as homework assistance, summer enrichment opportunities, and employment skills
21 training;

22 (2) develop and, on placement, provide to residents and their parents or
23 legal guardians a handbook of the policies of the provider and the contracting agency as
24 they relate to:

25 (i) the mission of the program;

26 (ii) placement and discharge;

27 (iii) daily routines;

28 (iv) treatment strategies;

29 (v) disciplinary practices;

30 (vi) visiting hours;

31 (vii) communication procedures with residents;

32 (viii) grievance procedures;

- 1 (ix) health care access;
- 2 (x) religious exercise access;
- 3 (xi) emergency telephone contact information;
- 4 (xii) family involvement;
- 5 (xiii) attorney access;
- 6 (xiv) community integration;
- 7 (xv) education;
- 8 (xvi) medical and dental care;
- 9 (xvii) recreation;
- 10 (xviii) life skills training;
- 11 (xix) clothing;
- 12 (xx) personal funds;
- 13 (xxi) food and nutrition;
- 14 (xxii) day care;
- 15 (xxiii) personal belongings;
- 16 (xxiv) extracurricular activities; and
- 17 (xxv) therapy; and
- 18 (3) document in each child's case file receipt and review by the child and
19 the parent or guardian of the child of the handbook required to be provided under item (2)
20 of this subsection.

21 Article – State Government

22 20–901.

23 (a) Except as provided in subsection (b) of this section, a unit, officer, or employee
24 of the State, a county, or a municipal corporation, **OR A CONTRACTOR, A GRANTEE, OR**
25 **OTHER PROGRAM OR ENTITY RECEIVING PUBLIC FUNDS** may not engage in a

1 discriminatory act prohibited by § 20–304, § 20–606, § 20–705, § 20–706, § 20–707, or §
2 20–708 of this title.

3 (b) Sections 20–304, 20–705, and 20–706 of this title do not prohibit the State, a
4 county, or a municipality from:

5 (1) providing separate facilities for males and females in
6 government–owned or government–operated public institutions; or

7 (2) operating or funding special or separate programs and facilities for
8 children, seniors, or other special populations.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.