HOUSE BILL 1380

ENROLLED BILL
— Appropriations/Education, Health, and Environmental Affairs and Budget and Taxation —

Introduced by Delegates P. Young, Brooks, Ebersole, Hornberger, D. Jones, Kaiser, Lierman, Novotny, Patterson, Ruth, and K. Young

Read and Examined by Proofreaders:

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 CHAPTER ______

1 AN ACT concerning

2 General Provisions – LGBTQ Veterans – Honorable Discharge
   (Restoration of Honor Act)

3 FOR the purpose of defining “honorable discharge” with respect to any State program of
   benefits, rights, or privileges applicable to a veteran to include certain discharge that
   is less than honorable; requiring a veteran to submit to the Secretary of Veterans
   Affairs documentation that provides the basis for the veteran’s discharge; requiring
   the Secretary of Veterans Affairs to adopt certain regulations to determine whether
   an individual qualifies as an honorably discharged veteran; and generally relating
   to honorably discharged veterans.

4 BY adding to

5 Article – General Provisions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
Brackets indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-out indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – General Provisions

1–109.1.

(A) WITH RESPECT TO ANY STATE PROGRAM OF BENEFITS, RIGHTS, OR PRIVILEGES APPLICABLE TO A VETERAN UNDER THIS CODE, “HONORABLE DISCHARGE” INCLUDES DISCHARGE THAT IS LESS THAN HONORABLE:

(1) SOLELY DUE TO THE SEXUAL ORIENTATION OR GENDER IDENTITY OF THE INDIVIDUAL BEING DISCHARGED; OR

(2) BASED ON A STATEMENT OR CONSENSUAL ACT OF THE INDIVIDUAL BEING DISCHARGED RELATED TO THE INDIVIDUAL’S SEXUAL ORIENTATION OR GENDER IDENTITY, IF THE STATEMENT OR CONSENSUAL ACT WAS PROHIBITED BY THE MILITARY OR NAVAL SERVICE AT THE TIME OF DISCHARGE.

(B) A VETERAN SHALL SUBMIT TO THE SECRETARY OF VETERANS AFFAIRS DOCUMENTATION THAT PROVIDES THE BASIS FOR THE VETERAN’S DISCHARGE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before May 1, 2023, the Secretary of Veterans Affairs shall adopt regulations establishing a consistent and uniform process to determine whether an individual qualifies as an honorably discharged veteran under § 1–109.1 of the General Provisions Article, as enacted by Section 1 of this Act, including, at a minimum, standards for verifying a veteran’s discharge status and a method of demonstrating the basis for the veteran’s discharge.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.