SENATE BILL 303

By: Senator Lam
Introduced and read first time: January 20, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Public Health – Nonconsensual Condom Removal – Prohibition

FOR the purpose of prohibiting an individual from causing certain sexual contact involving
nonconsensual condom removal; and generally relating to nonconsensual condom
removal.

BY adding to

Article – Health – General
Section 20–2201 to be under the new subtitle “Subtitle 22. Nonconsensual Condom
Removal”
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

SUBTITLE 22. NONCONSENSUAL CONDOM REMOVAL.

20–2201.

(A) IN THIS SECTION, “INTIMATE PART” MEANS THE SEXUAL ORGAN, ANUS,
GROIN, OR BUTTOCKS OF AN INDIVIDUAL, OR THE BREAST OF A FEMALE.

(B) AN INDIVIDUAL MAY NOT CAUSE CONTACT BETWEEN:

(I) A SEXUAL ORGAN, FROM WHICH A CONDOM HAS BEEN REMOVED,
AND THE INTIMATE PART OF ANOTHER WHO DID NOT VERBALLY CONSENT TO THE
CONDOM BEING REMOVED; OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(II) An intimate part of the individual and the sexual organ of another from which the individual removed a condom without verbal consent.

(C) (1) An individual who has experienced a violation of subsection (B) of this section may file a civil action in a court of competent jurisdiction.

(2) In an action under this subsection, the court may award:

   (I) Compensatory damages;

   (II) Injunctive relief;

   (III) Reasonable attorney’s fees and litigation expenses; or

   (IV) Any other appropriate relief.

(D) The remedies provided by this section are in addition to any other statutory, legal, or equitable remedies that may be available and are not intended to be prerequisite to or exclusive of any other remedies.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.