

Chapter 422

(House Bill 1380)

AN ACT concerning

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

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.

BY adding to

Article – General Provisions  
Section 1–109.1  
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 – 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.

**Approved by the Governor, May 16, 2022.**