

Chapter 271

(Senate Bill 491)

AN ACT concerning

General Provisions – Veterans Benefits – Honorable Discharge

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 discharges; and generally relating to veteran discharges.

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 1–109.1
Annotated Code of Maryland
(2019 Replacement Volume and 2024 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;
OR

~~(3) BASED ON AN INCIDENT OR INCIDENTS RELATING TO:~~

~~(I) A DIAGNOSIS OF POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY MADE BY AN INDIVIDUAL LICENSED TO PROVIDE HEALTH CARE SERVICES AT A U.S. DEPARTMENT OF VETERANS AFFAIRS FACILITY; OR~~

~~(II) AN EXPERIENCE OF SEXUAL TRAUMA, AS DESCRIBED IN 38 U.S.C. § 1720, DISCLOSED TO AN INDIVIDUAL LICENSED TO PROVIDE HEALTH CARE SERVICES AT A U.S. DEPARTMENT OF VETERANS AFFAIRS FACILITY.~~

(3) IF THE DEPARTMENT OF VETERANS AND MILITARY FAMILIES DETERMINES AN INDIVIDUAL IS ELIGIBLE FOR STATE BENEFITS BASED ON THE CRITERIA ESTABLISHED IN 38 C.F.R. § 3.12.

(b) A veteran shall submit to the Secretary of Veterans and Military Families documentation that provides the basis for the veteran's discharge.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved by the Governor, May 6, 2025.