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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 368
Maryland Commission on Civil Rights –Civil Penalties**

Good afternoon, Chair Peña-Melnyk and honorable members of the committee. Thank you for this opportunity to present HB 368, **Human Relations - Discrimination by a Place of Public Accommodation**. This bill would allow for someone who has followed through the complaint process of the Maryland Commission on Civil Rights (MCCR) to receive financial compensation when they have experienced discrimination in a public accommodation, including restaurants, retailers, entertainment centers, etc.

This committee has seen the concept of this bill at least four times. This session we started out with the original (2011) version of the bill with the intent that it would align discrimination in public accommodations with that in employment and housing. However, in working with the industries we have been made aware of the difficulties this could pose for businesses. Therefore, we intend to amend the bill back to the posture that the House passed in March 2020. By allowing consumers to receive monetary relief, if there is a finding of discrimination after an investigation, we are providing a more useful tool for monitoring compliance of current statute.

The need for this bill has not decreased in recent years. Nothing has changed in our culture since last year. We are living in challenging times with respect to discrimination. We have seen both nationally and, on a state level, increases in hate crimes and incidents. Given this continued climate, as a state we need to take a firm stance against any kind of discrimination and work to effect positive change so all the people in Maryland will have fair and equitable experiences whenever they go to a store, a restaurant, a movie, or any other business.

This proposed language maintains the current process; when a victim of discrimination chooses to go through the MCCR complaint process, the Commission completes a full investigation first. If they find cause, they will look to see if the respondent has made good faith attempts to mitigate the issue and then try to mediate it to resolution. If they find fault, no mitigating circumstances, and no efforts to resolve, the Commission will send it to an Administrative Law Judge (ALJ) with a recommendation. The ALJ considers all the facts in the complaint, the findings of the MCCR and its recommendations. The ALJ may levy a fine that is capped dependent on the number of reoccurrences for a particular business. What is different is that this bill simply allows the victim of discrimination in a place of public accommodation to receive a monetary remedy for their negative experience based on the finding of an ALJ.

The MCCR is a great resource to our state in addressing the extremely sensitive issues of discrimination, but we have tied their hands as far as remedies for proven bad acts. Please provide them with the tools that they need to enforce our commitment to an inclusive and diverse society in which everyone is valued.

Thank you for your consideration and I respectfully request a favorable report.