



State of Maryland Commission on Civil Rights

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February 6, 2024

House Bill 0368 – Human Relations – Discrimination by a Place of Public Accommodation

POSITION: Support

Dear Chair Pena-Melnyk, Vice Chair Cullison and Members of the House Health & Government Operations Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 0368 (HB 368) will create a uniform enforcement and remedy scheme for all protected classes by bringing the public accommodations subtitle in line with the employment and housing subtitles. Both the employment and housing subtitles provide for a similar enforcement scheme which includes a private right of action and remedies for the individual harmed by the discriminatory act.

Presently, an individual who suffers discrimination under the public accommodations subtitle receives no damages or personal relief from the offending party. State Government Article, Title 20 only provides that an administrative law judge may assess a civil penalty that goes to the State general fund and the individual discriminated against may receive only an apology. However, what can be more embarrassing to a person than finding physical barriers that prevent them from entering an establishment because of a disability; receiving little or no service because of your race; being asked to leave an establishment because of your national origin, sexual orientation, or gender identity in front of other patrons and receive no relief for the harm.

Maryland’s public accommodation law currently provides the weakest coverage and relief under Title 20. Victims of public accommodation discrimination are treated differently under Maryland’s anti-discrimination law when compared to employment and housing discrimination victims. HB 368 attempts to bring equal opportunity under Maryland law to those public accommodation victims who prove they suffered harm.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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Over forty-five (45) other states have some comprehensive form of public accommodation law. Over thirty (30) states provide a private right of action and make available an award of compensatory and actual damages for victims of unlawful discriminatory practices by a place of public accommodation. Maryland citizens should have the same protections.

For these reasons, MCCR urges the committee provide a favorable vote on HB 368. Thank you for your time and consideration of the information contained in this letter. The Commission looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.