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Asian-American & Pacific-Islander Caucus

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB590: Human Relations - Discrimination - Protected Characteristics (Equal Opportunity for All Marylanders Act)**

**What SB590 Does:**

- This bill updates anti-discrimination provisions throughout Maryland code to include all protected classes, consistent with the Maryland Supreme Court's finding in *Doe v. CRS*
- While it addresses a myriad of sections of law, the goal of the bill is simple: ensure that all protected classes will be protected in law, as was the intent of the General Assembly when passing these laws
- The attached chart includes a brief summary of each section and the protected classes added to that section

**Why SB590 is Needed:**

- In *Doe v. CRS*, the Supreme Court of Maryland stated: "The General Assembly's practice, as we understand it, has been to specifically identify categories it intends to protect in antidiscrimination statutes."<sup>1</sup>
- Currently, Maryland's antidiscrimination statutes are a patchwork of inclusion; many statutes leave out one or more protected classes.
- Given this statement, it is essential to update our antidiscrimination statutes to adhere to the Maryland Supreme Court's standards; otherwise, we risk leaving vulnerable Marylanders without a state claim for discrimination.
- Without SB590, it is uncertain if a claimant will be able to seek protection in our antidiscrimination statutes if their protected class is not specifically enumerated. This is a huge gap in our safeguards.

<sup>1</sup> [Doe v. Catholic Relief Servs., 484 Md. 640, 644](#). Page 21 of pdf.

Section	What the Section Does	Protected Classes Added by SB590
<p>Article – Commercial Law  Section 11–102(e), 12–113(a), 12–305(a), 12–503(b)(1), 12–603, 12–702, and 12–704(1)</p>	<p><u>11-102</u>: Defines discriminatory boycott  <u>12-113</u>: States that a lender may not discriminated in lending  <u>12-305</u>: Disallowing licensees from granting or denying a loan on a discriminatory basis  <u>12-503</u>: Disallowing sellers and financial institutions from discrimination  <u>12-603</u>: Disallowing sellers or sales finance companies from discriminating against a buyer  <u>12-702</u>: States the General Assembly’s intent to insure that credit is fairly available.  <u>12-704</u>: Prohibits a creditor from discriminating against applicants</p>	<p><u>11-102</u>: <b>SEXUAL ORIENTATION, DISABILITY, GENDER IDENTITY</b>  <u>12-113</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b>  <u>12-305</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b>  <u>12-503</u>: <b>RACE, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b>  <u>12-603</u>: <b>RACE, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b>  <u>12-702</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b>  <u>12-704</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY,</b></p>
<p>Article – Courts and Judicial Proceedings  Section 5–106(p) and 8–102(b)</p>	<p><u>5-106</u>: Relates to prosecution based on wage discrimination.  <u>8-102</u>: Prohibits discrimination from jury service based on listed characteristics.</p>	<p><u>5-106</u>: <b>SEXUAL ORIENTATION, RELIGIOUS BELIEFS, GENDER IDENTITY, RACE, OR DISABILITY</b>  <u>8-102</u>: <b>SEXUAL ORIENTATION, OR GENDER IDENTITY.</b></p>
<p>Article – Criminal Law  Section 2–207(c), 3–209(b), 10–304, and 10–305</p>	<p><u>2-207</u>: The discovery of or belief about a person does not mitigate the crime of murder to manslaughter.  <u>3-209</u>: The discovery of or belief about a person is not a defense to assault.  <u>10-304</u>: Hate crime statute  <u>10-305</u>: A person may not deface certain property based on listed characteristics.</p>	<p><u>2-207</u>: <b>RELIGIOUS BELIEFS, DISABILITY</b>  <u>3-209</u>: <b>RELIGIOUS BELIEFS, DISABILITY</b>  <u>10-304</u>: <b>SEX</b>  <u>10-305</u>: <b>SEX</b></p>
<p>Article – Education Section  6–104(b), 7–128(c), 23–605(a)(2), and 23–806(a)(3)(iii)</p>	<p><u>6-104</u>: Prohibits discrimination of public school employees.</p>	<p><u>6-104</u>: <b>GENDER IDENTITY</b>  <u>7-128</u>: <b>SEX, SEXUAL ORIENTATION, GENDER IDENTITY</b></p>

	<p><u>7-128</u>: Ensures students are enrolled in the next most rigorous subject.</p> <p><u>23-605</u>: Prohibits employee organizations from discrimination</p> <p><u>23-806</u>: Related to 23-605</p>	<p><u>23-605</u>: <b>SEX, DISABILITY, MARITAL STATUS, SEXUAL ORIENTATION</b></p> <p><u>23-806</u>: <b>SEX, SEXUAL ORIENTATION, GENDER IDENTITY</b></p>
<p>Article – Health – General Section 19–408(b), 19–710(h), and 19–725(a)</p>	<p><u>19-408</u>: Prohibits home health agencies from discriminating</p> <p><u>19-710</u>: Prohibits unfair termination of contracts for home healthcare</p> <p><u>19-725</u>: Prohibits HMOs from discriminating based on protected characteristics</p>	<p><u>19-408</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, RACE</b></p> <p><u>19-710</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY</b></p> <p><u>19-725</u>: <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY</b></p>
<p>Article – Health Occupations Section 14–5F–10(c) and 19–311(15)</p>	<p><u>14–5F–10(c)</u>: Prohibits Health Occupations board from discriminating against applicants.</p> <p><u>19–311(15)</u>: Prohibits refusal of professional services.</p>	<p><u>14–5F–10(c)</u>: <b>DISABILITY</b></p> <p><u>19–311(15)</u>: <b>SEX, GENDER IDENTITY</b></p>
<p>Article – Housing and Community Development Section 16–305</p>	<p><u>16-305</u>: Prohibits employee organizations from discrimination</p>	<p><u>16-305</u>: <b>SEX, GENDER IDENTITY</b></p>
<p>Article – Human Services Section 8–707(b)(1)(viii)</p>	<p><u>8–707</u>: Prohibits discrimination in childcare facilities</p>	<p><u>8–707</u>: <b>GENDER IDENTITY</b></p>
<p>Article – Insurance Section 15–112(h)(1) and 27–910(b)</p>	<p><u>15–112</u>: Prohibits health insurance carriers from denying participation in its provider panel.</p> <p><u>27–910</u>: Prohibits discrimination in care provided to enrollees.</p>	<p><b>SEX, SEXUAL ORIENTATION, GENDER IDENTITY</b></p>
<p>Article – Labor and Employment Section 3–304 and 3–307(a)(1)</p>	<p><u>3-304</u>: Prohibits providing less favorable employment opportunities</p> <p><u>3-307</u>: Correlates with 3-304</p>	<p><b>RACE, RELIGIOUS BELIEFS, SEX, GENDER IDENTITY, SEXUAL ORIENTATION</b></p>
<p>Article – Land Use Section 16–204 and 16–304(b)</p>	<p><u>16-204</u>: Prohibits employee organizations in the National Capital Park and Planning</p>	<p><u>16-204</u>: <b>SEX, GENDER IDENTITY</b></p>

	Commission from discrimination <u>16-304</u> : Organization's contracts may not discriminate.	<u>16-304</u> : <b>SEX, SEXUAL ORIENTATION, GENDER IDENTITY</b>
Article – Public Utilities Section 7–507(h)(1) and 18–204	<u>7–507</u> : Prohibits electricity suppliers from discriminating against customers. <u>18–204</u> : Prohibits discrimination by an employee organization	<u>7–507</u> : <b>GENDER IDENTITY, DISABILITY, SEXUAL ORIENTATION</b> <u>18–204</u> : <b>SEX, GENDER IDENTITY</b>
Article – Real Property 6 Section 8A–801(b)	<u>8A–801</u> : Prohibiting discrimination in mobile home parks.	<u>8A–801</u> : <b>SEXUAL ORIENTATION, GENDER IDENTITY</b>
Article – State Finance and Procurement Section 13–219(c)(1), 19–101(a), 19–102, 19–103(j)(1), 19–114, and 19–115	These sections govern nondiscrimination in state procurement	<u>13-219</u> : <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY</b> <u>19-101-19-115</u> : <b>GENDER IDENTITY</b>
Article – Tax – Property 16 Section 8–214(a)	<u>8-214</u> : Prohibits country clubs and golf courses from discriminating against members.	<u>8-214</u> : <b>SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY</b>