

20240208_MCFP_AM_Support_MD_SB_413_MFAD_v4.pdf

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Position: FAV



MANPOWER AND
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OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

1500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1500

February 8, 2024

Senator William C. Smith
Chair, Senate Committee on Judicial Proceedings
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Remarks of
Christopher R. Arnold
Mid-Atlantic Region Liaison
United States Department of Defense-State Liaison Office

Support of: SB 413 – AN ACT concerning Discrimination – Military Status – Prohibition

Testimony

Chairman and honorable committee members, the Department of Defense is grateful for the opportunity to reflect on the policies proposed in Senate Bill 413. Explicitly including military status as a protected class ensures service members and their families are not inappropriately disadvantaged or penalized because of their choice to serve.

I am Christopher Arnold, the Mid-Atlantic Region Liaison at the United States Department of Defense-State Liaison Office, operating under the direction of the Under Secretary of Defense for Personnel and Readiness. Our office works to establish relationships with state leaders across the country who are concerned for troops and their families' welfare by harmonizing state and federal law and regulation on policy problems of national significance. These are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role in support our service members and their families as they serve in and transition into and out of the states.

Maryland anti-discrimination statutes provide protections against discrimination in education, employment, housing/real estate, public accommodation, credit/lending, insurance, medical/health services, and human rights/civil right. However, 0% of these statutes include veterans, active-duty military personnel, or military families as a protected class.¹

Researchers have found that forty-six percent of military spouses have experienced job discrimination due to their military affiliation.² Various surveys have found military spouses are

¹ Maryland enacted the Maryland Fair Employment Practices Act (FEPA) in 1959. The FEPA protects individuals from discrimination based on the following protected characteristics: Race, Color, Religion, Ancestry or national origin, Sex, Age, Marital status, Sexual orientation, Gender identity, Disability, Genetic information. Md. Code Ann., State Govt § 20-601.

² Reynolds, B.W. (2019). Survey: Nearly half of military spouses have felt job search discrimination. <https://www.flexjobs.com/blog/post/military-spouse-job-discrimination-survey/>

denied jobs, denied promotions, or excluded from consideration for leadership opportunities based on employers' longevity concerns, endangering the family's financial and food security.

To effectively meet the Department of Defense's goal of ensuring that service members and their families are protected through state laws that protect against bias and discrimination and achieve Governor Moore's ambitious goal of making 2024 the year for the military family in Maryland, the policies contained in Senate Bill 413 would add "military status" to identified protected classes in the Maryland Code. The legislation also clarifies that creating such a protected class would not impair any benefit, privilege or right afforded to individuals with military status on such basis.

Both state and federal laws recognize that our active duty and reserve component service members and veterans deserve special protections that keep them from being inappropriately disadvantaged or penalized because of their choice to serve.³ However, the protections from these federal statutes are not always extended uniformly in every state; and family members, caregivers and survivors under similar restraints and restrictions are rarely included in those protections.⁴

Military family members, caregivers, and survivors are subject to many of the same unique challenges as military and veteran members themselves but are rarely afforded the same protections. It is often overlooked that families endure multiple and frequent deployments, experience moves every couple of years with little control over geographic location or job continuity, care tirelessly for wounded, ill, and injured service-members, or veterans, and spend significant periods apart from their spouses and own support systems.

A recent study by the Department of the Air Force concluded that reassignment requests have increased due to perceived discrimination.⁵ Federal law generally requires service members to exhaust all other administrative remedies prior to bringing a claim.⁶ Survey data has indicated that due to lack of federal recourse, military families have expressed state-level employment

³ There are multiple federal laws that protect service members and their families, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers' Civil Relief Act (SCRA), and the Americans with Disabilities Act (ADA). USERRA protects servicemember and veteran reemployment rights after work absences due to service; the SCRA postpones or suspends certain financial obligations during deployments; and the ADA provides specific accommodations for both physical injuries and unseen injuries.

⁴ Brannock, M.K., and Bradford, N.A. (2021). Barriers to licensure for military spouse registered nurses. *Journal of Nursing Regulation*, 11(4), 4-14. <https://www.sciencedirect.com/science/article/abs/pii/S2155825620301708>

⁵ Military families report being challenged by lack of equal access to beneficial K-12 education related policies and programs, particularly those with special education needs, which can cause learning gaps, undue delays and financial burdens. Lack of employment accommodations for post-traumatic stress disorder in caregivers and survivors can take both a financial and emotional toll on these individual. When higher security deposits are required by landlords, housing availability becomes scarce or more expensive for military families. Some employers have failed to recognize the unpredictability and short notice of changes in duty stations, causing spouses to be charged large employment contract penalties for failure to remain employed as long as anticipated, or consider geographical separation from their family.

⁶ Steiger, J. (2021). DOL reports little change in USERRA complaints filed in FY 2020 compared to FY 2019. Center for Workplace Compliance.

<https://www.cwc.org/CWC/PublicationPages/Memos.aspx?WebsiteKey=13900549-b20f-4ef2-86be-5f827f0cc83f&hkey=73f86a3a-c35c-458a-806b-a07bbd80767b>

protections are more efficacious at filling current gaps in federal law, an approach that complements these other protections without duplication, and filling gaps where they fall short.⁷

Military affiliation has unfortunately been used as a basis to mask discrimination against otherwise protected classes.⁸ This undermines otherwise effective enforcement mechanisms and the commitment of state institutions to uphold these protections.⁹

State solutions to these challenges offer a framework of support for our uniformed service members, veterans, and their families.¹⁰ Maryland's role in considering such changes recognizes their sacrifices and contribute to their quality-of-life, financial security, and physical and emotional well-being.¹¹

The Department of Defense is grateful for the efforts that the Old Line State has historically made to support our service members and their families. We appreciate the opportunity to opine on the policies articulated in Senate Bill 413 and are especially grateful to the bill sponsor, Senator Dawn Gile, for her leadership and sponsorship of this important legislation. As always, as liaison to the Mid-Atlantic Region, I stand ready to answer whatever questions you may have.

Yours etc.,

CHRISTOPHER R. ARNOLD
Mid-Atlantic Region Liaison
Defense-State Liaison Office

⁷ Barnhill, J. (2021). New Virginia law protects military spouses from employment discrimination. Military Families Magazine. <https://militaryfamilies.com/military-spouses/new-virginia-law-protects-military-spouses-from-employment-discrimination/>

⁸ Wellman, T. E. (2018). Employment discrimination against military spouses: A case for illegality contrary to popular belief and practice. AFL Rev., 79, 207. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/airfor79§ion=9

⁹ Smith, B. (2022). The employment of the transitioning military and their families. Institute for Emerging Issues. <https://iei.ncsu.edu/2023/05/22/the-employment-of-the-transitioning-military-and-their-families/>

¹⁰ Smith, M. (2023). DOD announces new priorities to improve military family quality of life. National Military Family Association. <https://www.militaryfamily.org/dod-announces-new-priorities-to-improve-military-family-quality-of-life/>

¹¹ <https://statepolicy.militaryonesource.mil/priorities/military-family-anti-discrimination-status>

Maryland Military Coalition SB0413 Written Testimo

Uploaded by: DAVID Dragics

Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

February 8, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller
Senate Office Building
Annapolis, MD 21401

Subject: **Request for FAVORABLE Report** – SB0413 – Discrimination – Military Status - Prohibition

Dear Chair Smith and Members of the Judicial Proceedings Committee:

On behalf of the members of the Maryland Military Coalition (MMC), I write to recommend a **FAVORABLE report** by the Committee on **SB0413 – Discrimination – Military Status - Prohibition**, sponsored by Senator Gile.

The bill represents part of Governor Moore's commitment to make 2024 the Year of the Military Family in Maryland. As the Governor said in December 2023:

Our military families are sacrificing just as much as our people in uniform," Moore said. "And they're sacrificing so their loved ones can serve. ... They are doing it both for the love of family and for the love of country. ... States have a duty to answer the service and sacrifice of our military families with strong support.

SB0413 would broadly prohibit discrimination against service members, veterans, and military family members "with regard to public accommodation, housing, employment, financial transactions, education, insurance, the provision of public utility services and State personnel actions." This sweeping legislation would amend the Maryland code in line with the Department of Defense goal "of ensuring that service members and families be protected through state anti-discrimination measures that protect against bias and discrimination in such matters as employment, housing, education, public utilities and civil rights laws to supplement employment protections under the Uniformed Services Employment and Reemployment Rights Act."¹

The breadth of the bill will ensure that no service member or military family member can be discriminated against by virtue of their status as a service member, veteran, or military family member. Adding "military status" as a class protected in state education, housing, public utilities,

¹ <https://download.militaryonesource.mil/StatePolicy/pdfs/2024/bestpractices-militaryfamilyantidiscriminationstatus.pdf>

employment and civil rights laws is a major 2024 legislative objective of the Department of Defense Military State Policy Program.²

The focus of our testimony is the bill's provisions prohibiting discrimination in employment against military spouses. Active-duty military spouses often encounter unique challenges in employment. The statistics on active-duty spousal employment are sobering:

- 67% of all active-duty spouses work
- Of them, over 50% work in the health industry
- Average time to look for a job in the new state = 19 weeks **OR** \$12,374 per year in lost wages trying to find work in a new state.
- Active-duty spouses earn 26.8% less in income than their non-military counterparts
- **22% are unemployed** compared to 3.6% nationwide pre-pandemic

Maryland is home to 14,292 active-duty spouses³ who need our support in obtaining and keeping meaningful employment in their chosen fields.

Unfortunately, active-duty spouses may suffer discrimination in employment. Employers may be unwilling to hire a fully qualified active-duty spouse for a variety of alleged reasons, including:

- Expectation that the active duty spouse will leave within three years when their Service Member receives a new assignment
- Gaps in employment when the spouse could not find work at a new assignment
- Difficulty in verifying employment and employment references if the spouse worked overseas
- Concern about the spouse's availability for work if the Service Member deploys with little notice

As Senator Gile stated during the Governor's announcement in December, "as a proud military spouse, I have witnessed the resilience of fellow military spouses as they navigate persistent obstacles in their professional journeys. ... This isn't merely the right thing to do; it's a crucial investment in our state's military community and an imperative for the recruitment, readiness, and retention of military servicemembers."

The MMC strongly supports SB0413 and asks for a **FAVORABLE** report from the Judicial Proceedings Committee. This legislation will outlaw employment discrimination against active-duty military spouses. The bill adds the status of being a "military dependent" as defined in 50 U.S.C. § 3911(4) to the list of individuals and classes protected from discrimination in employment. We are grateful to Senator Gile for sponsoring this legislation and for ensuring that the definition of "military spouse" covers all the **uniformed services** – Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, and Commissioned Corps of the Public Health Service and National Oceanic and Atmospheric Administration. Upon enactment of the legislation by

² <https://statepolicy.militaryonesource.mil/priorities/military-family-anti-discrimination-status>

³ This number only reflects armed forces spouses. There are over 1,000 Commissioned Officers of the Public Health Services in Maryland, a significant number of whom are married.

both chambers and signature by the Governor, discrimination in hiring against military spouses will be unlawful.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank Senator Gile for sponsoring this legislation and for her continued strong support of the uniformed services community and families in Maryland.

Respectfully,

A handwritten signature in black ink, appearing to read "JMS", written in a cursive style.

Jayson Spiegel
LTC USAR (Ret)
President

Member Organizations, Maryland Military Coalition

James P. Monahan
Air Force Sergeants Association

Elwood R. Raphael Gray
American Minority Veterans Research Project

Lynda A. Gask
Commissioned Officers Association of the
US Public Health Service

Seldon H. Hedberg
Distinguished Flying Cross Association

Seldon H. Hedberg
Jewish War Veterans of the USA

Emmett R. Robert
Maryland Veterans Chamber of Commerce

Charles E. Speltz
Military Order of the Purple Heart

M. L. Messer
National Association for Black Veterans

Christian Andreasen
NOAA Association of Commissioned Officers

Catherine L. McShaw
Society of Military Widows

M. Blackwell
Veterans of Foreign Wars

Stacy P. May
American Military Society

W. A. A.
Association of the United States Navy

Wilbur B. Fisher
Disabled American Veterans

Phyllis J. Collins
Fleet Reserve Association

Steve L. Bloodwin
Maryland Air National Guard Retirees'
Association

Robert J. Winton
Military Officers Association of America

E.
Montford Point Marines of America

Michael P. Hays
Naval Enlisted Reserve Association

John S.
Reserve Organization of America

E.
National Active and Retired Federal Employees
Veterans Affairs Directorate, NARFE MD

Leslie Becker Written Testimony SB0413.pdf

Uploaded by: Leslie Becker

Position: FAV

Written Testimony for Leslie Becker in favor of SB0413

My name is Leslie Becker. I am the spouse of an active-duty service member, we currently reside in the state of Maryland. I submit this written testimony in support of Senator Gile's Bill, SB0413 to prohibit discrimination of military affiliated members, especially as it relates to military spouses. As a military spouse myself, I have experienced first-hand some of the hurdles spouses encounter as it relates to employment. Aware of this, I specifically sought out a company where this title is welcomed. I have spoken to countless spouses who have shared their personal woes with me and the unique challenges they encounter just because they are military spouses.

I am an independent woman, and I was so prior to meeting my husband, however on my husband's orders I am considered to be a "Dependent." What does that mean? For me it means that the government depends on me and my entire family moving to support my spouse's service to this Country. It means putting the needs of our government's security above my individual preference as to where to reside. It means sacrificing my professional career to support a cause much larger than me.

Military spouses are disproportionately women - statistics indicate over 90%. That disparately impacts a currently protected class, i.e. women. A unique aspect to being a military spouse is that we are likely the only population that are identified based on our spouse's career and are often discriminated against in the workforce because of who we fell in love with. Military spouses get unfairly questioned about gaps in their work history, short stays of employment, or are simply overlooked when applying for employment. I personally omitted that fact from my resume because of this stigma. As more companies offer remote work, it helps in job transferability, but in turn it leaves less opportunity for career advancements due to lack of visibility and the default nature of the military being a transient population.

The military provides base pay for each rank and years of service, but what they also recognize is Cost of Living Adjustment (COLA). More often than not, if a spouse is fortunate enough to retain their current employment, they do not benefit from such subsidies. My family moved to a location where the cost of our home in Texas was half of what it is in Maryland and our childcare expenses increased from 8k a year to almost 30K; yet, thankfully while I was able to keep my job, my salary stayed the same. With the increasing cost of living now, long gone are the days where a family can survive on one salary alone, especially not a military salary; and most families who want to maintain a lifestyle of not feeling like they are living paycheck to paycheck require two incomes. This often causes financial stress and disagreement in the home and many families choose to either separate from their marriage or separate from the service. This is one factor that contributes to the dire retention issues our military is facing today.

I am employed by one of the best recognized companies that supports military spouses. However, when I requested that they reinstate a salary accommodation for military spouses, one senior executive, albeit speaking on behalf of himself, admitted "I don't care that you are

a military spouse, spouses are not a protected class” and so, “I won’t do anything for you.” Sadly, he is correct. He does not have to do anything for me. Most companies won’t either, unless required to do so by a Bill like this one. It is that kind of closed-mindedness that makes this Bill so necessary to protect anyone who is a veteran, military spouse, or military family member from being discriminated against. My ask is that we show solidarity and protect the people willing to protect our freedom. Please consider supporting this Bill and protecting military spouses and family members from discrimination.

Thank you for your time and consideration.

Sincerely,

Leslie Becker

SB 413 - Discrimination - Military Status - Prohib

Uploaded by: Morgan Murphy

Position: FAV



**Maryland Department of Veterans Affairs
Office of the Secretary**

**WES MOORE
GOVERNOR**

**ARUNA MILLER
LT. GOVERNOR**

**ANTHONY C. WOODS
SECRETARY**

February 7, 2024

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 413 - Discrimination - Military Status - Prohibition

Dear Chairman Smith and Committee Members,

The Maryland Department of Veterans Affairs (“MDVA”) supports Senate Bill 413 - Discrimination - Military Status - Prohibition.

We believe SB 413 is necessary to protect service members, veterans, and their families from bias and discrimination in employment, housing, banking, and public accommodations. In various Department of Defense surveys, military spouses and families have reported negative experiences because of their service member’s affiliation. Sadly, much of the discrimination faced by service members and their families stems from negative stereotypes surrounding PTSD, unfounded fears of military deployments, and other misconceptions regarding military skills translating into civilian life.

Although Maryland’s anti-discrimination laws protect against discrimination in education, employment, housing, public accommodation, lending, insurance, health services, and Civil Rights, none currently apply to military status. We believe that for military families to thrive, we must ensure they are not negatively impacted by the arbitrary whims of harmful stereotypes.

In keeping with Governor Moore’s pledge to make 2024 the Year for Military Families, this bill will provide protections for military spouses who may be denied jobs, denied promotions, or excluded from leadership opportunities, simply because they are married to a service member and are likely to move with their families within years. This difficulty in obtaining employment due to frequent moves creates economic instability for families as a direct result of their service to our nation.

I respectfully ask the Committee for a favorable report on SB 413, to protect our service members, veterans, and military families against discrimination based on their military status. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Anthony Woods". The signature is written in a cursive style with a large initial 'A' and 'W'.

Anthony C. Woods
Secretary

SB 413 Discrimination - Military Status - Prohibit

Uploaded by: Senator Gile Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB0413 - Discrimination - Military Status - Prohibition

Mr. Chair, Mr. Vice Chair, and Members of the Senate Judicial Proceedings Committee:

SB0413 would add military and military dependent status as a protected class from discrimination with respect to public accommodation, housing, employment, financial transactions, education, insurance, the provision of public utility services, and State personnel actions.

Background

While it may come as a surprise to some, service members, veterans, and their families face discrimination across various aspects of our society. As a military family advocate and proud military spouse, I can say with personal experience that such discrimination is real, pervasive, and has profoundly negative consequences for military families and the communities in which they call home. Below is a small sampling of real quotes from military spouses who have encountered discrimination in hiring.

- “I’ve spent years building my career, only to have it repeatedly derailed each time we move due to my husband’s deployments. Employers seem hesitant to hire me, assuming I’ll be transient or unreliable. It’s frustrating and unfair.”
- “I’ve applied for countless jobs, only to be met with skepticism and reluctance from employers who view military spouses as liabilities rather than assets. It’s demoralizing to constantly battle discrimination just because I’m married to someone who serves our country.”
- “When I go to apply for a job, I’m not sure how I should respond to questions as to what brought me to a state because I know they won’t want to hire me. I’m well qualified and eager to work but I have to hide that I’m married to the military.”

In addition to hiring discrimination, housing can be harder to secure for military families. One veteran described to me, “As a servicemember, I never expected to encounter housing

discrimination. Landlords hesitated to lease to me because they assumed my military status meant I'd move often.”

As the above accounts describe, service members, veterans, and their families often face discrimination based on their military affiliation. This discrimination can manifest in hiring decisions, access to housing, educational opportunities, and even basic services such as utilities.

Solution

The firsthand accounts shared underscore the pressing need for legislative action to combat these unjust practices and ensure equal treatment for those who have served our country. By adding “military status” to Maryland's list of protected classes and safeguarding the rights and privileges of individuals within this category, this bill represents a significant stride towards fostering inclusivity and fairness.

To combat this discrimination, SB0413 would:

- Add “military status” to identified protected classes in the Maryland Code; and,
- Clarify that creating such a protected class would not impair any benefit, privilege or right afforded to individuals with military status on such basis.

By legally designating military status as a protected class, it becomes unlawful to discriminate against individuals on the basis of their military service or affiliation, providing them with legal recourse in cases of discrimination. Additionally, supporting military families is essential for maintaining military readiness and morale. Discrimination against military spouses and dependents can negatively impact the well-being and stability of military families, ultimately affecting the readiness and effectiveness of service members. By protecting their rights and ensuring equal treatment, policymakers contribute to the overall readiness and resilience of the military community.

In summary, SB0413 stands as a vital initiative aimed at addressing the systemic discrimination faced by service members, veterans, and their families in various aspects of daily life. Maryland would join other states, including Virginia and California, that have already enacted military status as a protected class for discrimination. With the potential to mitigate discriminatory barriers in employment, housing, and public services, SB0413 holds immense promise for enhancing the quality of life for military families.

For these reasons, I respectfully request a favorable report on SB0413.

Maryland Senate Testimony_TPPorter_2.8.24.pdf

Uploaded by: Tom Porter

Position: FAV



Blue Star Families

bluestarfam.org

Maryland Senate

Judicial Proceedings Committee

Testimony of Tom Porter

Vice President of Government Affairs

Blue Star Families

February 8, 2024

Chair Smith Jr., Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, thank you for the opportunity to speak with you today in support of SB 0413.

I am a retired Navy Officer and the Vice President of Government Affairs of Blue Star Families – the nation’s largest and fastest growing military family support organization, with nearly 275,000 members and serving more than 1.5 million military family members every year.

Since we founded in 2009, there has been a growing awareness of the need to respond to military families’ contributions, challenges, and sacrifices, especially the issues concerning military spouse employment.

Military spouse unemployment remains 3-4 times the national unemployment rate and even greater for active-duty spouse respondents of color (27%), which has not significantly changed in nearly a decade. Spouses who seek work often perceive reluctance from employers to hire them. More than half of active-duty spouse respondents (51%) agreed their military affiliation prevented them from receiving a promotion at some point in their career.



Blue Star Families

bluestarfam.org

Active-duty spouse respondents were also least likely to disclose their military affiliation in an interview compared to other respondent groups; 23% of spouse respondents were “not at all likely” to disclose their affiliation. Half of spouse respondents who had disclosed their military affiliation in an interview reported the employer expressed concerns about their ability to stay at the position long-term.

One Army spouse reported, she was explicitly told after she was passed over that “we see a future for you here, but not until you know for sure if you will stay in the area for more than a year. Come back when your husband leaves the service.”

Establishing military spouses as a protected class has the potential to empower both spouses and employers to openly discuss their distinctive requirements and collaborate to maintain stable employment opportunities for military spouses. Additionally, the government's recognition of the ongoing unemployment challenges faced by military spouses will prompt improved data collection, foster greater dialogue with military spouses, and encourage the development and incorporation of programs aimed at assisting this underrepresented and marginalized group.

Recognizing and supporting military spouses acknowledges their important role in supporting the nation's defense efforts by providing stability and continuity for military families, which ultimately contributes to the overall effectiveness and readiness of the military. I applaud the steps Maryland is considering here today, so we can all **Do Our Part** to preserve the All Volunteer Force.

While I only discussed military spouses, Blue Star Families supports the full definition of “military status.” By broadening the scope to add “military status” as a protected class is a step in the right direction to ensuring that our veteran and military families are not discriminated against. Adding these individuals as a legally



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protected class will finally recognize the existence of an issue and enable it to be openly acknowledged and tackled.

Members of the Committee, thank you for allowing me to present here today and to show my support for SB 0413. I am happy to answer any questions.

SB0433_PDF.pdf

Uploaded by: Roxann Montgomery

Position: UNF

Please do not enact SB0443 End-of-Life Option Act
(The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act)

This text of this 21 page bill certainly reflects due diligence in attempting to document requirements and prohibitions for an individual to request aid in dying. The problem is that there are so many junctures in this process where the attending physician is charged with making life-ending decisions without having adequate knowledge of the individual who is making the request.

The bill states that the attending physician "MEANS THE LICENSED PHYSICIAN WHO HAS PRIMARY RESPONSIBILITY FOR THE MEDICAL CARE OF THE INDIVIDUAL AND TREATMENT OF THE INDIVIDUAL'S TERMINAL ILLNESS." The text of the bill states that the attending physician, when presented with an individual's written request, shall determine whether the individual:

- (I) IS A QUALIFIED INDIVIDUAL;
- (II) HAS MADE AN INFORMED DECISION; AND
- (III) HAS VOLUNTARILY REQUESTED AID IN DYING.

(I) Qualification equates to residency which is reasonably straight forward to prove with any of the documents listed in the text of the bill.

(II) An informed decision DOESN'T REQUIRE a mental health evaluation of the individual. The bill states:

(C) AN ATTENDING PHYSICIAN SHALL ENSURE THAT AN INDIVIDUAL MAKES AN INFORMED DECISION BY INFORMING THE INDIVIDUAL OF:

- (1) THE INDIVIDUAL'S MEDICAL DIAGNOSIS;
- (2) THE INDIVIDUAL'S PROGNOSIS;
- (3) THE POTENTIAL RISKS ASSOCIATED WITH SELF-ADMINISTERING THE MEDICATION TO BE PRESCRIBED FOR AID IN DYING;
- (4) THE PROBABLE RESULT OF SELF-ADMINISTERING THE MEDICATION TO BE PRESCRIBED FOR AID IN DYING; AND
- (5) ANY FEASIBLE ALTERNATIVES AND HEALTH CARE TREATMENT OPTIONS, INCLUDING PALLIATIVE CARE AND HOSPICE.

In the absence of being absolutely certain that the requesting individual has the mental health and emotional stamina to understand these 5 pieces of information, merely providing the information is not safeguarding the individual who is requesting assistance in dying.

The bill does require the attending physician to refer the individual to a consulting physician who is additionally required to IF REQUIRED

UNDER § 5-6A-06 OF THIS SUBTITLE, REFER THE INDIVIDUAL FOR A MENTAL HEALTH PROFESSIONAL ASSESSMENT

And 5-6A-06 states:

IF, IN THE MEDICAL OPINION OF THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN, AN INDIVIDUAL MAY BE SUFFERING FROM A CONDITION THAT IS CAUSING IMPAIRED JUDGMENT OR OTHERWISE DOES NOT HAVE THE CAPACITY TO MAKE MEDICAL DECISIONS, THE ATTENDING PHYSICIAN OR THE CONSULTING PHYSICIAN SHALL REFER THE INDIVIDUAL TO A LICENSED MENTAL

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Top

SB 413 - Military- INFO - Realtors.pdf

Uploaded by: Lisa May

Position: INFO



Senate Bill 413 – Discrimination - Military Status - Prohibition

Information

Maryland REALTORS® offers the following comments on SB 413.

This bill aims to prevent discrimination against military personnel and their families in the provision of housing under State Government Article 20-702 and mortgage lending under 20-707, among other areas of state law, by making one's military status a protected class.

With protected classes, real estate professionals can neither favor nor disfavor consumers based upon the protected trait or status. Currently, our members have noted that they often provided favorable treatment of military applicants, by waiving rental application fees or by loosening credit or deposit requirements for members of the military. Were military status to be made a protected class, they are concerned that they would no longer be able to offer specialized services or beneficial treatment to members of the military.

Military service does receive some protected status under current Fair Housing laws regarding Source of Income, which prohibits differential treatment based upon use of a Veteran's Administration Loan to purchase a home or in use of military income to qualify for rental housing.

REALTORS® denounce discrimination against the men and women of our military and their families. However, we do see instances where making military status a protected class could result in the loss of certain preferential treatment currently provided to members of the military in housing.

We thank you for your consideration of our comments as you review SB 413.

For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org