

# **SB0666\_Discrimination\_by\_a\_Place\_of\_Public\_Accommo**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0666  
Human Relations  
Discrimination by a Place of Public Accommodation**

**Bill Sponsor:** Senator Charles

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative

**Coalition Person Submitting:** Aileen Alex, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0666 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Recent court findings have chipped away at the protection federal law provides against privately owned facilities that offer food, lodging, gasoline, or entertainment to the public from various types of discrimination. Public accommodation facilities have a responsibility to provide their products and services to all equally on a first come, first served, basis.

Such discrimination limits commerce and the economic growth in Maryland. When we require inclusiveness from businesses, everyone benefits. People feel more respected and valued as a customer.

The Commission on Civil Rights that protects citizens from unlawful employment discrimination should also be protecting citizens from unlawful discrimination by public accommodations facilities. This bill is needed in order to provide more enforcement against this injustice.

We support this bill and recommend a **FAVORABLE** report in committee.

**SB666.MCCR Testimony.PA Monetary Relief.02.20.24.p**

Uploaded by: Glendora Hughes

Position: FAV



# State of Maryland Commission on Civil Rights

*Respect...Integrity...Effective Communication*

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February 20, 2024

## SB Bill 0666 – Maryland Commission on Civil Rights – Monetary Relief

### POSITION: Support as Amended

Dear Chair Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings 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.

Senate Bill 0666 as amended provides for a monetary remedy for victims of unlawful public accommodation discrimination. Presently, an individual who suffers discrimination under the Maryland Public Accommodation Act receives no personal monetary remedy or relief from the party that is found to have caused them harm. State Government Article, Title 20 (SGA, Title 20) only provides that an administrative law judge may assess a civil penalty that goes to the State’s general fund and the individual discriminated against may only receive an apology.

What can be more embarrassing to a person or persons: finding physical barriers that prevent them from entering an establishment because of a disability and told to go to the rear entrance of a restaurant because that is where a ramp is available; being ignored and receiving no service because of their race; being asked to leave an establishment because they are conversing in Spanish; or being loudly asked to leave an establishment because of sexual orientation, or gender identity in front of other patrons. And then to add insult to injury being denied any meaningful relief for the harm inflicted.

Maryland’s public accommodation law currently provides the weakest protections and remedies under SGA, Title 20. Victims of public accommodation discrimination are treated differently under Maryland’s anti-discrimination law when compared to employment and housing discrimination victims. SB 0666 as amended is a modest attempt to bring equal opportunity under Maryland law to those public accommodation victims who **successfully prove (emphasis added)** they been discriminated against and suffered harm.

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

Over forty-five (45) other states have some comprehensive form of public accommodation relief. Thirty-four (34) states even 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 some form of personal remedy for suffering proven harms of discrimination.

For these reasons, MCCR urges the committee to issue a favorable vote on SB 0666. 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.

# **Testimony in support of SB0666.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0666\_RichardKaplowitz\_FAV  
2/20/2022

Richard Keith Kaplowitz  
Frederick, MD 21703-7134

**TESTIMONY ON SB#0666 - POSITION: FAVORABLE**  
**Human Relations - Discrimination by a Place of Public Accommodation**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of SB#0666, Human Relations - Discrimination by a Place of Public Accommodation**

This bill is an attempt to prevent the public health damage that is present when discrimination occurs, especially in a place of public accommodation where additional harm occurs in that public setting. It offers specific paths and ways to mitigate the harm and compensate the person harmed. It would protect in an employment situation and facilitate civil actions for removal of and prevention of future discriminatory actions.

The American Psychological Association has described what discrimination is and the harm it causes. “For many people, discrimination is an everyday reality. Discrimination is the unfair or prejudicial treatment of people and groups based on characteristics such as race, gender, age, or sexual orientation.” They further delineate what that harm entails “Discrimination is a public health issue. Research has found that the experience of discrimination—when perceived as such—can lead to a cascade of stress-related emotional, physical, and behavioral changes.”<sup>1</sup>

Passage of this bill is a step to making Maryland a state that values everyone and provides equal opportunity to everyone. It provides specific paths to stop and fix incidents of discrimination.

**I respectfully urge this committee to return a favorable report on SB0666.**

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<sup>1</sup> <https://www.apa.org/topics/racism-bias-discrimination/types-stress>

# **SB666 - Support - DRM.pdf**

Uploaded by: Sam Williamson

Position: FAV



**Senate Judicial Proceedings Committee****February 20, 2024****SB 666: Human Relations – Discrimination by a Place of Public Accommodation****POSITION: SUPPORT**

Thank you, Chair Smith, Vice Chair Waldstreicher, and Committee Members, for the opportunity to comment in support of SB 666, Human Relations – Discrimination by a Place of Public Accommodation. Disability Rights Maryland is the designated Protection & Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be part of their communities by advocating for accessible places of public accommodation.

SB 666 addresses the long legacy of excluding people with disabilities from public life. Many individuals with disabilities are isolated at home or in institutions because of broad barriers to accessing public spaces. Despite the 1990 landmark legislation of the Americans with Disabilities Act (ADA), which largely mirrors Maryland's own requirements, many public places in Maryland are failing our disability community.

DRM regularly receives complaints about discrimination by places of public accommodation. These complaints are rarely about technical compliance in the design and construction of facilities – rather, these complaints focus on the denial of basic goods and services to individuals with disabilities. For example, DRM received a complaint about a camp that refused to enroll a child who needed an anti-seizure medicine. When asked to provide a reasonable accommodation, the camp director suggested that the family enroll their child in a different camp. The family was unable to find a camp for their child. DRM has also represented a young girl who was denied the opportunity to roller-skate with her peers because of her need to use a walker on the roller rink.

Beyond the humiliation and isolation of being denied equal opportunity as one's peers, DRM also receives complaints about discrimination in medical offices. In one common example, DRM received a complaint this past year from an individual who had sought an appointment with a medical specialist. He asked for an American Sign Language (ASL) interpreter. The doctor's office refused. He was unable to effectively explain his medical needs or understand his doctor's advice, leaving him at significant medical risk.

The current system for addressing these harms is inadequate. SB 666 would improve the remedies by providing financial relief. Monetary damages give individuals the ability to better make up for the denial of goods or services, and these damages also create a stronger incentive for places of public accommodation to prevent such discrimination in the first place. SB 666 thus places the promise of non-discrimination in Maryland public accommodations on equal footing with non-discrimination in employment and housing.

DRM applauds these efforts to promote full inclusion of people with disabilities into public life, and for these reasons, supports SB 666. For further information, please contact Sam Williamson, Staff Attorney, at 410-727-6352 or [samw@disabilityrightsmd.org](mailto:samw@disabilityrightsmd.org).

**SB666\_RestaurantAssoc\_Thompson\_UNFAVORABLE.pdf**

Uploaded by: Melvin Thompson

Position: UNF



## SENATE BILL 666

### Human Relations - Discrimination by a Place of Public Accommodation

February 20, 2024

#### Position: Oppose as introduced

Mr. Chairman and Members of the Judicial Proceedings Committee:

The *Restaurant Association of Maryland* opposes SB 666 as introduced. Over the years, there have been different versions of this legislation. In 2020, we worked with bill sponsors and the Maryland Commission on Civil Rights to address our concerns regarding this legislation. The result of those efforts was HB 579 in 2020, which we did not oppose. That legislation passed the House in 2020.

This year, we worked with the sponsor of HB 368 (the cross-file of SB 666) to amend the bill to reflect the 2020 language that all stakeholders had agreed to, with other minor amendments. This amended version of HB 368 has passed the House Health and Government Operations Committee and is awaiting a final vote in the House.

We respectfully request that SB 666 be amended to conform to HB 368, and we would subsequently withdraw our opposition.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson". The signature is written in a cursive style and is followed by a long horizontal line.

Melvin R. Thompson  
Senior Vice President  
Government Affairs and Public Policy

**SB666\_NFIB\_unfav (2024).pdf**

Uploaded by: Mike O'Halloran

Position: UNF



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NFIB-Maryland – 60 West St., Suite 101 – Annapolis, MD 21401 – [www.NFIB.com/Maryland](http://www.NFIB.com/Maryland)

TO: Senate Judicial Proceedings Committee

FROM: NFIB – Maryland

DATE: February 20, 2024

RE: **OPPOSE SENATE BILL 666** – Human Relations – Discrimination by a Place of Public Accommodation

Founded in 1943, NFIB is the voice of small business, advocating on behalf of America’s small and independent business owners, both in Washington, D.C., and in all 50 state capitals. With more than 250,000 members nationwide, and nearly 4,000 here in Maryland, we work to protect and promote the ability of our members to grow and operate their business.

On behalf of Maryland’s small businesses, NFIB opposes Senate Bill 666 as currently drafted – legislation expanding the remedies available for discrimination by a place of public accommodation.

NFIB has been very involved with this piece of legislation over the years. NFIB did not oppose HB579 as it passed the House of Delegates in 2020. That was due to the collaborative efforts of the stakeholders to get the bill into a posture that worked for all.

We urge the committee to consider amending SB666 so that it is in the same posture as HB368 (its crossfile). HB368, as approved by the Health and Government Operations Committee, reflects the language from 2020 plus some minor changes.

For these reasons, **NFIB opposes SB666** as introduced and requests an unfavorable report. Instead, NFIB urges the committee to adopt the changes made to its crossfile, HB368, in the House.

**SB666\_MRA\_INFO.pdf**

Uploaded by: cailey locklair

Position: INFO



**SB666 Human Relations - Discrimination by a Place of Public Accommodation**  
**Senate Judicial Proceedings Committee**  
**February 20, 2024**

*Letter of Information*

**Background:** Numerous versions of this legislation have been filed since 2011. In 2020, we came to an agreement with the Human Rights Commission and the sponsors on compromise language that is reflected in the amendments the Sponsor will provide to the committee.

**Comments:** The Maryland Retailers Alliance (MRA) stands firmly against discrimination. Over the years, many example scenarios have been discussed that this bill could be applicable to, from a business providing too few handicap parking spots, to an outright discriminatory verbal comment or scenario. Ultimately, the investigatory process that the Human Rights Commission will share has very rarely found instances in which fines are imposed. **This is because the majority of employers take action immediately to ensure customer problems are addressed properly, and typically fire employees over discriminatory events.** For these reasons we have argued against exposing an employer to private right of action, and for decreasing the fines proposed in the bill as introduced.

Our organization as well as other business groups have worked for years on this policy, and we urge the Committee to adopt the amendments which reflect the work that has been done to identify an approach that works for all stakeholders. Should the proposed amendments be accepted, MRA would remain in a neutral posture on the bill. Thank you for your consideration.